DOCUMENT RESUME

ED 087 653 SO 006 834

TITLE	Youth and the Law. First Edition 1973. Teacher's Guide.
INSTITUTION	Educational Research Council of America, Cleveland, Ohio. Social Science Program.
PUB DATE	73
NOTE	169p.
AVAILABLE FROM	Educational Research Council of America, Rockefeller Building, 614 Superior Avenue, W., Cleveland, Ohio 44113 ($3.00 each; soft cover)
EDRS PRICE	MF-$0.65 HC Not Available from EDRS.
DESCRIPTORS	*Adolescence; Bibliographies; City Problems; Crime; *Delinquency; Delinquency Causes; Delinquency Prevention; Delinquent Behavior; *Juvenile Courts; Law Enforcement; *Law Instruction; Laws; Socially Deviant Behavior; Social Problems; *Social Responsibility; Social Studies; Stealing; Teaching Guides; Vandalism; Youth Problems

ABSTRACT

This teacher's guide to the nine week, junior high course "Youth and the Law" provides a conceptual framework around the facts of the student book of the same title (SO 006 833) that deals with broad issues of law and responsibility. The guide helps the teacher convey to students the value of law and helps the student channel his energy, positively, in the realm of law and order. The teacher's guide emphazises student involvement in the process of inquiry as reflected in the question-orientation of the student book and as an inherent aspect of any of the eight suggested themes through which the teacher and student might explore the content of the book. The broad concepts of each chapter are categorized into intellectual disciplines, such as sociology-anthropology, facilitating an evaluation of the entire course in terms of cognitive performance objectives (questions) for each discipline listed in the guide. The specific content of each chapter is outlined, filled-out with background material and question notes, and augmented by activities and resource materials to promote student involvement. A bibliography of resources for students and teachers completes the guide. (JH)

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SP 006 834

TEACHER'S GUIDE

YOUTH AND THE LAW

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ED 087653

YOUTH AND THE LAW

FIRST EDITION 1973

EDUCATIONAL RESEARCH COUNCIL OF AMERICA / CLEVELAND, OHIO

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The Educational Research Council of America acknowledges the contributions of the Kettering Family Fund, the Lilly Endowment, Inc., the Martha Holden Jennings Foundation, and the Scaife Family Charitable Trusts, which have made possible the Social Science Program of the Educational Research Council of America.

The mission of the Educational Research Council of America is to improve education continuously so that every child can realize his own inherent worth and be able to contribute humanistically, socially, and functionally to the betterment of mankind.

Educational Research Council of America
Rockefeller Building, Cleveland, Ohio

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FOREWORD

PURPOSE

The Educational Research Council of America prepared these materials on Youth and the Law at the request of teachers and administrators in participating school districts. Recently educators everywhere have become concerned over the rising incidence of vandalism and shoplifting among school age children. National statistics underline both the extent and the seriousness of juvenile crime. FBI reports reveal that each year juveniles account for approximately 50 per cent of all arrests for serious crime (murder, rape, robbery, aggravated assault, burglary, larceny, and auto theft. Overall, it is estimated that as many as 20 per cent of the adolescent boys in our country will be brought before a juvenile court judge on a delinquency complaint sometime between the ages of 10-17.

These statistics are alarming in themselves. Teachers and parents have reason for being even more disturbed by the growth of negative attitudes toward the law on the part of some young people. Some teenagers openly display a lack of respect for the police and the courts, and even call into question basic values of honesty and personal responsibility.

The purpose of this material is to deal with these broad issues of law and responsibility. Through reading and related discussion, and other types of involvement, it is hoped that students will learn to understand the role of law. They may also learn to channel their energy into positive and socially constructive activities.

FOCUS

Youth and the Law is not aimed at the hardened "juvenile delinquent." The 16- or 17-year-old who has become habituated to crime is unlikely to be affected by a nine-week course of reading and discussion. Rather, this unit has been prepared for the ordinary junior high student just

entering adolescence. Between the ages of 11 and 14, attitudes and habits are still in their formative stages. By dealing with issues of law and of personal responsibility at this time, it is hoped that students can be influenced in such a way that they will avoid making serious mistakes that may warp their characters and spoil their future careers.

Because the emphasis in this book is on the 11- to 14-year-old, case studies and examples have been restricted to those offenses most common to this age group. Shoplifting and vandalism in particular have been emphasized. This is not merely because both are the most common crimes among this age group but also because both can be traced to the kinds of negative behavior and attitudes upon which this unit intends to focus.

THE CHALLENGE OF TEACHING ADOLESCENTS

In dealing with the topic of law, teachers must be especially mindful of several adolescent characteristics. Young adolescents are naturally restless and often feel a need to assert their independence by rebelling against authority. For most, this adolescent rebellion is harmless. Yet it must be remembered that since most junior high students tend to be self-oriented, their rebellious actions may not take into account the rights of other people. As a result, young teenagers often display a lack of respect for the rights of others—an inability to put themselves in other people's shoes. Such behavior often does not come from malicious intent, but from thoughtlessness. This unit attempts to help students learn to recognize the rights and feelings of others. In this way, students should come to see the suffering their thoughtless actions can often cause.

Another characteristic of young adolescents is a tendency to be present-oriented. Most youngsters find it difficult to think very far ahead. This lack of foresight presents problems to teachers who stress the consequences of lawbreaking, especially the <u>punishments</u> that can follow unlawful conduct. Warnings about being arrested, going to court, having a "record," and even being sent to reform school are often ineffective. Unfortunately, many teenagers will be faced with some of these sad consequences unless we can find methods of awakening them to the grim consequences of lawbreaking.

One final difficulty is that junior high students are generally ignorant about laws and the purposes they serve. They see laws only in their <u>restrictive role</u>, as external impositions telling them what they must do

and what they must not do; they must learn to understand the liberative and protective aspects of laws. If they are to gain a respect for laws, they must come to see how the institution of law is essential to any society, and to all the members of society.

VARIED METHODS OF TEACHING ABOUT LAW AND PERSONAL RESPONSIBILITY

Several methods of teaching about law are possible. Teachers may wish to stress one or more of the following approaches:

1. Stress the possibility that each individual could himself experience the punishments imposed on lawbreakers; emphasize new police techniques and store security systems that increase the probability of being caught; deal with the often disastrous effects of being taken to court, having a record, or even being sent to a state institution.

2. Consider the suffering of innocent people who are affected by lawbreaking; focus on the victim who is harmed as the result of thoughtless behavior and try to get students to identify with them; "personalize the victim" and demonstrate how lawbreaking can harm numerous individuals, both directly and indirectly.

3. Study the role of law in society; help students to see the need for laws in any situation in which human beings try to live together; emphasize the positive aspects of rules in contrast to their restrictive functions, that is, show how the law positively works to benefit each individual.

4. Review the causes for lawbreaking; analyze why young people break the law; discuss some of the psychological problems of growing up in today's complex world; discuss some of the sociological factors leading to crime, including poverty, mobility, rapid change, affluence, and the extension of adolescence that accompanies the extension of the years of formal education.

5. Analyze the psychology of adolescence: its opportunities for self-development and for the opposite—self-destruction; exploit the natural intense interest of young adolescents in themselves; examine alternative modes of self-expression in the uncertain phase that intervenes between childhood dependence and mature independence and responsibility.

6. Consider the relation of the individual to his peer group; discuss the dangers of "group think," crowd psychology, and "ganging up"; distinguish being oneself, or developing a proud personal self-image, from being popular and "going along" with the group.

7. Try, with the more intellectual students, to expose them to the long philosophic background of human concern with law and morality; mention the great religious and ethical teachers and the research of psychologists and anthropologists; remind students of the lessons of history and especially of the efforts of the framers of the Constitution of the United States to find a formula combining law and freedom, or duties and rights; the effort here is to wean students away from immediate concentration on the here and now and lead them to think of the entire human predicament, of which they are a part.

8. Consider some of the broader implications of the topic of law: for example, the special problems of a pluralistic society such as America; problems of conventional versus natural law; theories of penology; and the relation of the private citizen to law enforcement personnel.

USING THE PUPIL TEXT

Noted above are eight varied approaches to teaching about law. As far as possible, all eight are utilized in this course.

The authors have tried to avoid the temptations listed in the Task Force Report: Juvenile Delinquency and Youth Crime submitted to the President's Commission on Law Enforcement and Administration of Justice:

> It is imperative to call attention to several pitfalls that must be avoided. First, all efforts must be made to avoid moralizing to students with lecture methods about how sacred laws are and how evil it is to break them. Second, instructors must avoid trying to deceive students, especially in the urban slums, with glib portrayals of the benign character of the law and police, when in reality the law and the local policemen are often anything but allies. Third, teachers must steer away from dwelling on abstract statements of principles and ideals, without reference to

> meaningful and relevant problems, issues and events. Fourth, students must not be forced into a passive role; rather, the teaching-learning process must be so designed that students are given the chance to become actively engaged in the search for important questions and answers. [1]

The fourth point merits special attention. The only times that learning occurs and changes in attitude and behavior take place is when students are personally involved. Text readings alone are not enough. The textbook should be supplemented with a variety of activities and audiovisual aids. Teachers can further encourage open and free interaction between teacher and students about teenage problems, attitudes, and values. Whenever possible students should be encouraged to work problems out for themselves. They should even be encouraged to formulate problems.

To aid teachers in this endeavor, the text is interrupted by frequent questions. In addition, enrichment activities are suggested at the end of each chapter in the Teacher's Guide. These include ideas for role playing, field trips, guest speakers, and individual projects. In addition, a list of Resources will be found at the end of the Guide. This list contains an annotated selection of A-V materials for classroom use and a supplementary reading list for teachers.

Here are some hints on using the pupil text.

a. Concentrate on big ideas, concepts, rational argument, and analysis. Do NOT teach for total mastery or total recall.

b. Pacing is important. Do NOT go too slowly. There is much material to cover. It is easy to bore the students if you dwell on a given topic.

c. Make the fullest possible use of charts and tables; discuss them; help the students to interpret them; supplement them from outside sources.

d. When concepts are introduced, try to find out what the students already know about them. Impress the students with the point that they are expected to carry conceptual knowledge over from one grade to the next.

e. Take time to introduce a given topic or series of pages in oral discussion before you ask the students to read the pages. The topical content, general line of argument, main concepts, and important terms should be touched on in this introductory discussion. What you will do for the students is what most adults do for themselves before they read an article or chapter on a scientific or political topic (though not a story or poem). You will "skim" the pages for the students in order to give them a general idea of what they may expect to find as they read more closely.

USING THE TEACHER'S GUIDE

The Teacher's Guide has been designed to provide maximum help in teaching the program and to give the teacher some information beyond that in the pupil text.

The organization of the Teacher's Guide should be understood. Each chapter of the pupil text is dealt with in a corresponding chapter of the Teacher's Guide. The material in the Guide is arranged as follows:

1. Chapter heading, theme, text outline
2. Concepts and Objectives
3. Background Information (if any)
4. Notes on Questions
5. Activities

Resources are listed at the end of the Guide.

Some explanatory comments on these divisions of the Teacher's Guide may be helpful at this point.

The Concepts and Objectives sections focus attention on the disciplines and concepts to be emphasized and the questions to be explored in each part or chapter. The concepts take the form of a brief descriptive phrase; the same concepts occur again and again. The objectives are in the form of specific topical questions. The concepts and objectives are listed within the appropriate social science disciplines. These disciplines are identified by the following vignettes:

HISTORY

GEOGRAPHY

ECONOMICS

SOCIOLOGY-
ANTHROPOLOGY

PHILOSOPHY-
RELIGION-
PSYCHOLOGY

POLITICAL
SCIENCE

The Notes on Questions provide suggested answers to every question that appears in the pupil text. The answers are keyed to the relevant pages in the text by page numbers and symbols. These answers indicate the main lines on which replies or discussions should be directed, but are not intended to be definitive, and should not inhibit original thinking.

The symbols accompanying the questions indicate degree of difficulty or complexity:

▶ a simple question or problem of fact

● a more complicated question or problem calling for discussion and not necessarily answerable in terms of "yes" or "no" or "wrong"

★ a question or problem involving research or sophisticated discussion guided by the teacher; occasionally optional

Activities present suggestions for exercises, discussions, artistic and creative experiences, additional research, and so forth. The teacher should use his or her own discretion in choosing these activities for the class.

OBJECTIVES OF THE UNIT

The main objective of the course is an untestable one—to instill in the students a respect for law and order and a habitual rejection of illegal behavior. The school cannot pretend to guarantee achieving such affective and behavioristic aims in the face of possibly adverse influences of the home, the peer group, the local community, and possible conditioning experiences in early childhood.

However, the school can do certain things in the cognitive domain—the domain in which its influence should be very strong. Here, then, are some cognitive performance objectives, at which the teacher should aim, and which may be tested in written or oral examinations. They are listed in the form of simple questions.

PSYCHOLOGY AND PHILOSOPHY

1. What is adolescence?

2. What are the general psychological characteristics of the adolescent phase of development?

3. Why and how does a person's character change—sometimes quite startlingly—between childhood and adulthood?

4. Why is adolescence prolonged in our society beyond the period of adolescence in most previous human societies? What problems does this create?

5. What choices does each individual have in the process of asserting himself or herself as an individual person in adolescence?

6. What is alienation? Why are adolescents often prone to the feeling of alienation? What varied responses can the alienation-prone adolescent make?

7. What are values? How does each individual acquire a value system?

8. What varied views of the basic qualities of human nature are possible? To what extent is human nature molded by cultural environment? Can human nature be changed?

9. In what ways can early childhood experiences influence later character development?

10. Why should each person try to know himself or herself and also to understand other persons? Why is it useful—nay, essential—to be able to empathize with others? What means are available to learn about human nature?

SOCIOLOGY

1. What do statistical tables tell us about human behavior and social trends? Can students interpret statistics, graphs, and charts of sociological data?

2. To what extent can juvenile delinquency and crime in general be attributed to social environment and social position? What consequences may follow if we accept without qualification an environmental deterministic theory of human behavior?

3. How do family environment and the influence of parents, parent surrogates, and siblings contribute to form character and behavior?

4. What is the peer group? How can one identify it? How may it influence character and behavior? When should the peer group's influence be resisted?

5. What can sociology and anthropology tell us about adolescence in societies other than our own?

6. What do we know about minority groups, disadvantaged groups, and racial and ethnic prejudice and discrimination in our society? Why is such knowledge important in considering social problems such as crime, delinquency, drug addiction?

7. Does affluence sometimes lead to juvenile delinquency? Does poverty? Why or why not?

POLITICAL SCIENCE

1. What is law? Are laws necessary? Why or why not?

2. What are some theories about law and about the obligation on the part of the individual to obey the laws?

3. What is the rule of law? How does it protect individuals?

4. What criteria might be used to decide whether a law is good or bad?

5. How does a totalitarian society differ from a constitutionally governed society in respect of law, law enforcement, trials, and punishments?

6. What theories of rewards and punishment have been suggested? What are the arguments for and against each theory?

7. How does the American judicial system function? What constitutes fair trial?

8. What are the special features of juvenile courts? What are the rights of juveniles in a court of law?

SOME SPECIAL CONCEPTS FOR THIS UNIT

1. What is vandalism? What motivates vandals?

2. Who is harmed by vandalism? Who pays for the destruction caused by vandalism?

3. What is shoplifting?

4. Who is harmed by shoplifting? Who pays for the losses caused by shoplifting?

5. What means are available to prevent vandalism and shoplifting? What punishments may be incurred by vandals and shoplifters?

6. What is the role of the police in our society?

7. Why are the police often suspected and disliked by certain groups, including many teenagers?

8. What is a probation officer? What are his or her functions?

9. Why are young persons especially prone to temptations to break the law by shoplifing, vandalizing, stealing cars for joy rides?

10. What are some constructive ways of using the abnormal energy and abnormal desire for self-assertion that are present in most human beings during adolescence?

11. What are some purposes of formal education between the ages of 11 and 17? Should everyone take advantage of educational opportunities? Why or why not? What relation ought education to have to one's development as a self-respecting, creative, purposeful individual and as a producer with a career in a complex society?

INTRODUCTION

Text pages 1-3

In the course of the past few generations, the human race has made some spectacular advances in science and technology. In the face of this advancement, people are sometimes inclined to wonder if man's nature has progressed in a like manner. Certainly the life styles of man have changed frequently throughout history. Yet man's basic nature, and his essential needs and desires are much the same today as they were thousands of years ago.

Because it is so much a part of human nature, the process of "growing up" remains basically unchanged also. The frustrations and excitement of leaving childhood behind, and the challenges and uncertainties of assuming adult responsibilities repeat themselves with each new generation. It is important for our newest generation of adolescents to realize this and to understand that their attitudes and emotions are not unique. The feelings they have today are most probably the same kinds of feelings that their parents and grandparents once had—and indeed, the same kinds of feelings that <u>their</u> own children will have sometime in the future.

CONCEPTS	OBJECTIVES Questions to be developed*
 Understanding oneself and others: the nature of man	Has human nature changed much in the course of history? Explain.
The nature of adolescence	In what ways is growing up today similar to growing up in ancient Egypt?
	Why is each new generation critical of the old? Why do adults generally criticize each new generation?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used for review and evaluation.

BACKGROUND INFORMATION

CHANGE AND CONTINUITY IN HUMAN NATURE AND HUMAN SOCIETIES

It is worth noting that most, if not all, human societies had or have special institutions and methods for handling the phase of adolescent development. Primitive societies have initiation rites, sometimes involving painful external surgery or exhausting rituals and tests of endurance. In some societies puberty is regarded as a dangerous phase during which uncontrollable psychic forces may be released.

Most civilized societies have special educational institutions for adolescence. Apprenticeship—a seven year period of subordination and training—was much used in Europe from the middle ages through the eighteenth century and later. Private boarding schools or private tutors were regularly resorted to by the wealthy classes in Europe. They still are by many affluent families on both sides of the Atlantic.

In our time, the phase of adolescence has been considerably prolonged for Americans in most social and economic groups. It may extend from about 10 years of age to 20 or even later. This prolongation places an unprecedentedly heavy burden both on the adolescents themselves and on the social institutions (schools and families) specially concerned with adolescents.

Thus, although the nature of adolescence remains more or less constant in history, its length and environmental conditions vary considerably from place to place and from time to time.

EARLY AND LATER ADOLESCENCE

A distinction should be made, however, between early adolescence (puberty) and later adolescence (say 13-16 for females and 15-18 for males). In this unit we are specially concerned with early adolescence, which is the period of most rapid change in physique and personality in the process of individual development after about age five.

This topic is the subject of Chapter 1.

NOTES ON QUESTIONS

Page 2:

▶ Considering the record of youthful misbehavior over the past few thousand years, it seems likely that most members of each new generation of parents apply the same type of general criticism to their children as they received when they were young. According to social historians Negley Teeters and David Matza, "It has always been popular for each generation to believe its children were the worst, the most lawless and the most unruly." [2]

● Some students might suggest that some adults are critical of the younger generation because they are jealous of the carefree life styles of youth. Others might claim that adults have somehow forgotten how it feels to be young (or forgotten the intensity of that feeling) and thus have become less tolerant. Yet students should be helped to realize that each adult generation feels a heavy responsibility toward its offspring. Having lived longer, and experienced more in life, parents, teachers, and other adults accept responsibility for helping children get a positive start in life. Sometimes their concern and love is expressed in well-intended but ill-advised complaints.

● It is important for adolescents to realize that it is natural for young people to experience periods of frustration, anxiety, and excitement. Life styles may change over the years, but these very human emotions remain a constant feature of the period of adolescence. Teenagers do not feel much differently today from what their own parents felt when they were young. Like the teenagers of a generation ago, they are critical of adults. This stage of criticism is a fundamental part of the growing-up process.

● While science and technology have helped solve, at least partially—hunger, disease, communication, transportation, housing, and mass education, they have been less successful with problems of race relations and crime. As social systems become more complex, science and technology have produced some additional social problems: pollution, unemployment, urbanization, for example.

CHAPTER 1

Growing Up

Text pages 5-14

Chapter 1 takes a brief look at the nature of "adolescence," especially at the temptations and anxieties of early adolescence.

Much antisocial behavior of young teenagers results from the tensions of adolescence: the urge to rebel, the search for identity, and the quest for excitement. If they understand the nature of adolescence, teenagers may be better able to understand themselves.

Although adults sometimes forget the problems of adolescence, growing up can be very difficult. Young people are often turned off by adults who tell them, "These are the greatest years of your life!" To the adolescent who is experiencing the difficulties of rapid growth such a statement adds insult to injury. In this period of rapid physical and psychological changes, the young face periods of intense frustration and uncertainty, as well as excitement and joy.

Text Outline

Adolescence: A Time of Growth
Who Am I?
Defying Authority
The Generation Gap
Harmless Rebellion
Harmful Rebellion

CONCEPTS	OBJECTIVES Questions to be developed*
History as a clue to the present	In what ways are the fads and fashions of previous teenage generations similar to the ones today? In what ways are they different? Why has it been a common phenomenon throughout history for adults to criticize each younger generation?
Understanding oneself and others: the nature of adolescence	What is "adolescence"? What are some of the physical and emotional changes that take place during this time? Why is "rebellion" associated with growing up? What forms of rebellion are natural and expected? In what ways can young people seek the answer to the question, "Who Am I?"
The nature and importance of values	In what ways—other than physical injury—can innocent people be harmed?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the materials presented in this chapter. The questions may also be used as a basis for review and evaluation.

BACKGROUND INFORMATION

A PERSISTING PREDICAMENT

Adolescents sometimes seem to think that theirs is the first generation to be faced with the strains of puberty. Teachers should point out that teenage anxieties and frustrations are not new, but have been experienced by all adults in their youth. The present generation may have some new challenges. Past generations, for example, did not have to worry about nuclear missiles, pollution, overpopulation, etc. But, by and large, the challenges of discovering self-identity and independence remain basically the same. Parents and grandparents have successfully faced these challenges; so too will the present generation.

It is normal for young people to wish to be independent of their parents. This desire may even lead to forms of rebellion. Yet teachers must be careful in discussing the concept of "rebellion" lest they offer students an easy rationalization for all misconduct. The text explains the various forms that rebellion can take. A harmless assertion of one's identity should be readily tolerated by adults. Raucous music, new fads, far-out fashions and hair styles are not things that should alarm parents; every recent generation of teenagers has had strange ways by which it sought to set itself apart from the adult world. Yet when rebellion becomes harmful to oneself or to others, it cannot be tolerated. Only when students accept this fact are they fit for living in a free society.

SYMPATHY AND CHALLENGE

How can teachers best deal with the predicament? It is important to avoid being patronizing or sentimental, and to refrain from anything that makes youngsters shy and self-conscious. Early adolescence, in addition to all its other features, is a time during which one can be acutely embarrassed. Consequently, although young people are, by and large, inordinately interested in themselves, they can all too easily be hurt and angered by discussions that become personal or psychoanalytical.

The best plan is to keep the discussion intellectual and, so to speak, clinical. Maybe the teacher can begin with a bit of autobiography, something fairly lighthearted about the first big squabble with parents, or a misunderstanding about some adult problem, or maybe some foolish prank. Alternatively, read aloud a bit of Lord of the Flies or Catcher in

the Rye. Let the class see that "we have all been there"—that is, in adolescence.

Another useful hint: early adolescence is a period of tremendous energy—often misdirected, and varying in intensity from day to day or even from hour to hour. It is, therefore, most desirable to challenge youngsters as much as possible, both intellectually and physically. The more we demand of young teenagers, the less opportunity we give them for aimless mischief-making. There are other ways of censoring activity than by negative prohibitions: positive demands are far more effective in channelling energies into constructive efforts. Every teacher of early adolescents should be alerted to the duty to exploit the energy and promise of pupils at this critical stage of development.

ADOLESCENCE AND DELINQUENCY

The point of all this psychological discussion is to help students recognize their special vulnerability to certain temptations between the ages of 10 and 15. For some students, at least, forewarned may be forearmed. The natural impulse of self assertiveness swings all too easily into reckless bravado. The natural tendency to criticize and reject certain adult (and childhood) standards may turn into uncritical acceptance of the standards of the peer group or gang. The natural upsurge of vital energy—physical, emotional, mental, sexual—may find expression in deviant and destructive action.

The problem for each teenager is how to experiment, use one's energy, and discover oneself without harming oneself or others. The assumption made in this unit is that knowledge will help to solve the problem.

NOTES ON QUESTIONS

Page 6: caption — This graph illustrates the spurt of physical growth that occurs during adolescence. During puberty, boys and girls experience bodily changes so dramatic that they become a cause of anxiety. It is important that they be prepared for and reassured about the changes that they will experience.

As rapid growth begins, teenagers become very self-conscious about their appearance. Frequently, girls become concerned that their feet and noses are growing

faster than the rest of their bodies. In boys, certain bones actually outgrow their controlling muscles. This tends to give teenage boys an awkwardness and clumsiness over which they have no control.

Emotional growth also speeds up during early adolescence. Each sex becomes aware of the other in a new way. The tendency to show off and assert oneself grows strong at the very time when one is also shy and self-conscious. Adolescence, as Dorothy Sayers once pointed out, is a poetical, lyrical stage, not prosaic, or common-sensible.

Page 7:

- The suggestion that adolescence today is especially hard is debatable. The main points in favor of the proposition are:

  (a) adolescence tends to be prolonged by education, child labor laws, and other pressures;

  (b) affluence and leisure increase the temptations to mischief and crime;

  (c) there are, possibly, fewer outlets for teenage energy and adventurousness;

  (d) big city life is now the prevalent pattern for many young people;

  (e) international politics are more nerve-racking and overwhelming than in the past;

  (f) the mass media, especially television, bring tensions and problems close to young people.

  Paradoxically, when external pressures like hunger or real economic insecurity are removed, mental and emotional security may be diminished.

- This question is intended to elicit opinions and stimulate class discussion.

- Ask students to be specific about why they admire certain people.

- For many young people, communications media help determine the types of persons they most admire. Some examples are: the rugged individualist, the courageous football hero, the free-spirited "rock" performer, the cool auto racer, and the charming movie starlet. The courage, individuality, poise, self-assurance, and many other admirable qualities of these idols can elevate young people. However, if the emphasis is on the purely artificial characteristics of these role models, youthful identification with them can do harm.

- It might be extremely valuable for the teacher to assign some short stories or biographies (such as found in the Junior Readers Digest) about real people who have used their energy and spirit of individualism to do something of great worth. Specific examples of "positive" and "negative" models will be left up to the teachers' discretion.

Page 11: caption — Both the "direct" and "indirect" costs of vandalism will be discussed in Chapter 4. Students should realize that the "cost" of vandalism is passed along to the taxpayer and the consumer.

Page 12:

- Students may wish to debate the questions of whether it is more courageous to rebel against parents who have rules against smoking, or whether it is more courageous to rebel against the pressure of peers who feel that it is the "in thing" to light up a cigarette.

- The class may suggest that many early marriages (or pregnancies) are the result of teenagers who wish to defy or harm their parents. Sexual activity among the immature can lead to tragedy. Other acts of rebellion that can be harmful to the individual may include running away, over-eating, and becoming sloppy in dress or habits.

Page 13: caption — Advertisement agencies make a living by creating a demand for their products. One very successful way they do this is by associating a product with some highly desired human quality or characteristic. Thus, after-shave lotion and mouthwash are sometimes associated with "sex appeal." Cigarette smoking and beer consumption are frequently associated with "rugged individualism." Since students are already fairly sophisticated TV viewers, they will likely be able to recall examples of adertisements where associations are particularly specious.

Page 14: ▶ This question can be used to stimulate thinking and discussion.

- Students should see that not all consequences of "harmful" behavior are necessarily physical or financial. For example, the trampled flowers may have been of great personal value to the individual who planted and cultivated them. The value of personal possessions is determined by the person possessing them. Students can readily imagine how they might feel if a long-term research project on which they had worked was thoughtlessly ruined.

- In each example, the victims were denied the right of property and/or privacy. In the case of littering, every person in society is potentially offended. Crimes and offenses against the public are often committed by persons who would not dream of damaging a private individual.

ACTIVITIES

1. Research—Students might enjoy doing some research into the fads and fashions of a past generation. The "Fads and Follies" of the 1920's, for example, might make an interesting research project.

   A. Display—Such a research project might culminate in a written report, and an opportunity for art work. A collection of pictures or drawings comparing skirt length, dance fads, hair styles, popular heroes, etc., would make an interesting display.

   B. Role Play—To carry the research project one step further, a few students may enjoy actually duplicating the fads and fashions of a previous generation. In front of the class, they could reproduce dress styles, music, dances, even the pop vocabulary of the time.

2. Panel—Four to six students may wish to prepare and present a panel discussion to examine various problems of growing up. This presentation should initiate discussion of the following topics:

   (a) Rights and responsibilities at home
   (b) Discipline—at home and at school
   (c) Attitudes toward police, church, community centers, etc.
   (d) Attitudes toward education, curriculum, facilities, teachers, etc.

3. Suggested Reading—The following list contains a number of high-interest, easy-to-read stories that have been popular with junior high students.

Tuned Out, by Maia Wojeiechowska. (Dell Paperback, 1968)

Deals with the relationship between two brothers and the tragic effects of LSD. Involves reader with a young boy's struggle to grow up.

Pig Man, by Paul Zindel. (Harper and Row, 1968)

This is a very popular book, with a very unpopular ending. The reason: in the process of growing up, two teenagers are ultimately forced to come to terms with the consequences of their actions.

Bears' House, by Marilyn Sachs. (Doubleday, 1971)

Elementary school format and easy reading level are misleading. This book packs a wallop. It deals with the sufferings and fantasy of a deprived ghetto child.

The Outsiders, by Sue Hinton. (Dell Paperback, 1967)

Written by a teenager, this is one of the most popular books in the Junior High Library. Provides insight into contrasting life styles and values of suburban and inner-city youths.

That Was Then, This Is Now, by Sue Hinton. (Viking Press, 1971)

This book is something of a sequel to the Outsiders. A penetrating look at the growing up process. When one of two close friends begins to mature and accept responsibility, the resulting clash of values leads to a powerful conclusion. This book would make excellent discussion material.

CHAPTER 2

A Look at Juvenile Crime

Text pages 15-31

The purpose of this chapter is to examine the extent of the problem of juvenile crime.

It may be that the teacher will be compelled to omit some of the material in this chapter because of lack of time. Accordingly, a summary of the important facts and figures has been included on page 25 of the student text.

Text Outline

Interpreting Crime Statistics
Juvenile Crime: A Summary
Some Reasons Why Juvenile Crime Statistics Are So High
Summing Up

CONCEPTS	OBJECTIVES Questions to be developed*
 Statistical tables and chart skills	How can statistical tables be used to simplify complicated relationships and aid in comparing and contrasting data?
Social disharmony	What are some of the major trends and relationships in crime over the past ten years? What are the specific offenses for which the student's age group and sex are heavily involved?
 Techniques of critical research	What are some of the factors that limit the reliability of crime statistics? In what ways do juvenile crime figures give a distorted view of juvenile crime?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the materials presented in this chapter. The questions may also be used as a basis for review and evaluation.

BACKGROUND INFORMATION

TWO OBJECTIVES

The primary objective in analyzing and discussing statistical tables is to allow students to grasp the alarming extent of juvenile crime in the United States. A thoughtful reading of each table should help the student to be aware of important trends and relationships.

An additional objective in using these tables is learning skills and techniques for understanding statistics. In this chapter, students will quickly see the advantage in using charts and tables to help them understand complicated data and make important comparisons. The statistics in this chapter have not been simplified. For the most part, they have been taken directly from the FBI Crime Report of 1970. As a result, teachers can expect some slow going and must be prepared to provide careful and deliberate classroom guidance.

CAN STATISTICS LIE?

Perceptive students may quickly observe discrepancies or distortions in the statistics. A number of experts have made the same observation. In fact some would go so far as to say that our present system of collecting data for juvenile crime is so inadequate that much of the alleged increase in juvenile crime over the past decade is due to statistical error. Students should acquire an appreciation of the limitations of statistical tables. They should learn that statistics, depending upon how they are selected and collected, can often be inadequate or misleading.

It is interesting to compare Table 1, based on reports of seven major crimes, with Table 4, which shows arrests. Notice that the total major crimes reported in the nation were over five and a half million. The total arrests for those crimes were just over one and a quarter million. Notice that the latter table includes all arrests, not all convictions. Of the one and a quarter million arrests, about 800,000, or 63 per cent, were of persons under 21 years of age. These tables therefore do not prove that over 60 per cent of major crimes are actually committed by persons under 21. They certainly give cause for anxiety.

Here are some further considerations that qualify the reliability of juvenile arrest statistics.

1. Recording techniques have improved (computer retrieval systems) and various new ways of reporting crimes have been inaugurated. This has resulted in increased efficiency and may be responsible for some of the increase in juvenile crime statistics.

2. There are increasing numbers of juvenile police officers and juvenile courts. Following Parkinson's theory that work-load expands to fill the time of the staff available, it may be that this is one reason for the increase in juvenile crime statistics.

3. At the present time, the crime statistics are not "weighted." That is, there is no way to distinguish between fairly minor offenses and serious crime. Both are lumped together under the same category. As there are no special categories for juvenile offenses, their misdemeanors are included in adult crime categories. For example, a second grader who makes off with a few nickels from a broken parking meter has committed larceny. In another case, a 9-year-old boy was engaged in exploratory sexual activity with an 8-year-old girl on the school playground. After a complaint from the mother, the incident was recorded as "assault with intent to ravish."

4. Also, crime statistics are not "age-specific." That is, there are no provisions made for the increasing proportion of young people in a population grouping of 100,000. With the baby boom following World War II, there is a higher proportion of young people in our population today than there was 10 or 20 years ago. With the increased proportion of youths, one would expect an increased rate of crime among youth.

5. Especially in cases involving juveniles, it is important to note that no provisions have been made to determine how many of the figures are the result of "repeaters." In recent years, one-third of the delinquency cases in juvenile court were made up of repeaters. These habitual offenders inevitably inflate juvenile arrest figures.

6. Finally, there are no uniform standards of crime reporting. Some areas may try to hide their crime problems by not reporting various categories of offenses. Thus, an auto theft in an "image-conscious" suburb may go unreported, whereas a black eye in the inner city may be listed as an assault. One interesting example of this is the city of Chicago. Chicago had long had a reputation for large numbers of major crimes. In an effort to improve their image, police decided not to report any auto thefts for 72 hours. Because 90-97 per cent of all stolen autos in America are recovered within three days, Chicago's record jumped from one of the worst in the country to one of the best.

ADDITIONAL NOTE ON STATISTICS

Most of the statistics found in this chapter have been taken from the annual FBI Crime Report of 1970. This 1970 Report has been used instead of more recent ones for the simple reason that the 1960-70 decade is useful in showing a ten year trend. To keep some kind of uniformity, the 1970 figures have been used throughout. Teachers may wish to consult the latest report to see if the various trends indicated in the 1970 tables are continuing.

Teachers and students may be interested in pursuing further statistics. Many useful tables (including those from uniform Crime Reports of the FBI) are in the annual American Almanac, prepared by the Bureau of the Census. The 1973 edition, for example, gives statistics of victims of crime by race, sex, age, and income. It shows, among other things, that the major crimes per 100,000 population reported in Cleveland, Ohio, are more numerous than in any other large city in the United States. Another table shows that guns accounted for more than 66 per cent of all murders in 1970 (the figure was 56 per cent in 1963). Still another table estimates that, in 1965, the "economic cost of crime" in the United was 21 billion dollars annually. In short, much interesting research can be done by students with a statistical turn of mind.

POINTS TO EMPHASIZE

Teachers will wish to emphasize the following trends as students analyze the statistics:

1. Crime in America is increasing.

   Statistics show a 150 per cent increase of crime per 100,000 over the past decade.

2. There is much more crime and delinquency in the large cities than in smaller cities and suburbs.

   In 1971, the rate of violent crime per 100,000 in the suburbs was 206; the rate of violent crime per 100,000 in large cities was 1,048.

3. The rate of increase of crime is greater in the suburbs than in the large cities.

In 1971, in 57 cities with a population of over 250,000 people, crime rose by 7.5 per cent over 1970 figures; on the other hand, in suburban areas the increase was 13.4 per cent. (Note: the 7.5 per cent increase resulted from an increase of 31,000 violent city crimes, whereas the 13.4 per cent rise resulted from 12,000 violent suburban crimes—even though the overall suburban population was greater than the urban population by 14.3 million people.)

4. Juvenile boys are more involved in acts of delinquency than girls (perhaps by a 5.1 margin). Yet the rate of increase is higher for girls than for boys.

   In 1970, boys under 18 were responsible for 870,460 arrests and girls responsible for only 234,483; on the other hand, girls recorded a 200 per cent rise in arrests over a 10-year-period, whereas boys show a 100 per cent increase.

5. Although the 10-19 age group makes up approximately 20 per cent of the population, it provides 56 per cent of all arrests for serious crime.

   Juveniles over the past years have generally been responsible for two-thirds of all arrests for auto theft and one-half of all arrests for burglaries and robberies.

6. The rate of increase for juvenile arrests exceeds that of adults.

   Over a ten-year-period, adult crime went up by 16.9 per cent; juvenile crime increased by 113.7 per cent.

7. 16-year-olds have the highest arrest record of any single age group; second highest in arrests are the 13-14-year-olds.

   13-14-year-olds together make up about 6 per cent of the population; yet, they are responsible for as much as 12 per cent of the arrests for major crimes. There are more arrests in this age bracket than any other for such offenses as arson, vandalism, larceny, and burglary.

NOTES ON QUESTIONS

Page 15:

1. Juveniles under 18 make up approximately 50 per cent of the total arrests for major crime. (In 1970, the figure was 46 per cent; see Table 6.)

2. The increase in juvenile arrests was 100 per cent between 1960-70. (Between 1960-70, the actual increase was 113 per cent; see Table 5.)

3. The chances of boys going to court sometime during their juvenile years are one in five or twenty per cent.

4. The most common serious teenage offense is larceny—a theft of $50 or more. (See Table 5.)

5. There is more crime in the cities than in the suburbs. (See Table 1.)

6. The age group with the highest single arrest rate is 16; in second place is the 13-14-year-old age group. (See Table 4.)

7. Boys cause more crime than girls; yet, the rate of increase is higher for girls than for boys. (See Table 5.)

8. Juveniles under the age of 15 are responsible for approximately 45 per cent of all vandalism. (See Table 6.)

9. Youths under 15 cause 39 per cent of all arrests for arson. (See Table 6.)

10. Teenagers under 18 are responsible for 56.1 per cent of all arrest for auto theft. (See Table 6.)

Page 17: ▶ In 1960 the auto theft rate was 50 out of a population of 100,000, or one per 2,000; in 1970 the rate was 100 out of 200,000, or again, one per 2,000.

Page 18: ● Table 1—Note: To avoid some confusion with terminology, have students substitute "large city" for the letters "SMSA" and "suburbs" for the term "other cities." Also the two subheadings, "areas actually reporting" and "estimated total," should be disregarded unless students are expected to go into a very careful evaluation of statistical gathering methods.

1. The total number of serious crimes reported in 1970 was 5,568,197.

2. Crimes against "property" are far more common than "violent" crimes.

3. In the United States, "burglary" was the most common Index crime (2,169,322). The most common crime in large cities was burglary; in the suburbs it was larceny; and in rural areas it was again burglary.

4. The rate of violent crime in the United States was 360 per 100,000 inhabitants. That is, there were an average of 360 violent crimes for every group of 100,000 people.

5. It is important to know the total number of crimes that have been committed. Yet, at the same time, it is impossible to use these totals to compare areas which have different sized populations. As there are more people in large cities than smaller ones, a common base, such as 100,000 people, is needed for purposes of comparison. In a sense, total figures allow comparison of the amount of crime, whereas the "rate per 100,000" figures shows us the area with the higher or lower crime rate.

   At the risk of oversimplifying one might say that a person in a big city stands a chance of having a major crime committed on him as follows:

$$\frac{3,396.4}{100,000}$$

   That is, out of every 100 persons in a big city, about 3.4 will suffer a major crime every year.

In suburbs and smaller cities the figure is:

$$\frac{1,847.6}{100,000}$$

An average of 1.8 persons out of every hundred will suffer a major crime in the suburbs.

These are pretty disquieting averages. In 30 years, in a big city, 99 people out of every 100 will, statistically speaking, have been either murdered, raped, robbed, assaulted, burgled, or suffered larceny or auto theft. Of course, the suffering is not shared out quite so evenly. Some persons will get a good deal more than their statistical share.

6. Total crime rate was highest in big cities (SMSAs) and lowest in rural areas. The difference may be attributed largely to socio-economic factors in the cities:—poverty, congestion, unemployment, ghettos, racial and cultural disadvantage, difficulties of law enforcement, drug addiction, etc. See also Chapter 5 in this unit.

7. Crime rate in "other cities" was below the national average: it was 1,847.6 per 100,000 as contrasted with the national average of 2,740.5. Reasons include the socio-economic conditions of most suburbs and the greater ease of law enforcement in suburban areas. The national average is, of course, pushed up by the shockingly high rates in the big cities.

Page 19: ● Table 2—Note: In Table 2 make sure that the students concentrate on the "Rate per 100,000" for state and city totals.

1. Burglary, with a rate of 853.9 per 100,000, was the most troublesome for the state. In Cleveland, auto theft had the highest rate of crime with a rate per 100,000 of 1,208.1.

2. In most cases, Cleveland's crime rates were higher than state averages. This is due to the fact that much of Ohio is farm land. As we have seen, the rate of crime in cities is usually higher than in rural areas.

3. The figures for Cleveland are for Greater Cleveland. If the city of Cleveland alone were being considered all crime rates would be much higher than those shown. See American Almanac, 1973 (New York: Grosset & Dunlap, 1973), p. 145, Table No. 226. The crime in central cities is, in general, much higher than in any other type of community.

- Table 2 and Table 1

1. The total crime rate for Ohio was lower than the national average.

Page 20:

2. For crimes in the Crime Index, Ohio was generally lower than the national average. Only in the category of auto theft was Ohio above the national average.

3. Greater Cleveland's crime rate was higher than the national average in property crimes, violent crimes, murder, and auto theft. It was lower in larceny, aggravated assault, and burglary. The latter three unexpected discrepancies may be due to idiosyncracies in the city of Cleveland's reporting system or in the reporting system of some of the suburbs.

- Table 3

1. The changes in rate of crime give the clearest picture of the amount of increase in crime per population. However, the same picture emerges if one works out the ratio between number of crimes and population in the upper part of the table.

Page 21:

2. The percentage of total increase (shown in last line of the upper part of the table) was 176.4.

3. The percentage increase per 100,000 was 143.9 (last line of lower part).

4. The second figure, percentage increase in rate per 100,000, is the best indicator.

5. The crime with the largest percentage increase was larceny (204.4); the crime with the smallest percentage increase was murder (56.0).

6. Whether or not the apparent increase of crime is exaggerated owing to changes in reporting methods, the figures are cause for concern. As was noted above, the rate per 100,000, when reduced to rate per 100, gives us an indicator of our personal chances of being the victims of serious crime. If we live in big cities our chances are very high. In fact, statistically, nearly every person in a big city will be a victim of at least one crime over a period of 30 years. Many will suffer several times, which of course, means that others will escape.

● Table 4

1. Taken together, the 13-14-year-old group had a higher arrest record than any other age group. They were responsible for 6 per cent of the total number of arrests during 1970. Many of these arrests were for minor offenses, including vandalism. The immaturity of early adolescents often leads to thoughtless or reckless behavior. Moreover, this age group is easily "caught."

2. Again, it was the 13-14-year-old age group which had the highest arrest rate in the Crime Index. They were responsible for 12.6 per cent of these major arrests. Students may hypothesize that much of this percentage is the result of high incidence of burglary and larceny arrests (14.4 per cent).

3. (a) auto theft—16-year-olds had the highest arrest record.

   (b) larceny—13-14-year-olds had the highest arrest record.

   (c) aggravated assault—18-year-old age group had the highest arrest record.

4. For violent crimes, the 18-year-old age group had the highest arrest record (6.3 per cent). For property crimes, the 13-14-year-olds had the highest arrest record (14.4 per cent).

4. The age groups listed below had the highest arrest records for the following offenses:

   (a) runaways—13-14-year-olds

   (b) curfew—16-year-olds

   (c) liquor—18-year-olds

   (d) narcotics—18-year-olds

   (e) vandalism—13-14-year-olds

   (f) arson—13-14-year-olds

Page 23: ● Table 5

1. The arrest total for boys was 870,460; for girls it was 234,483. Thus, boys have a much higher arrest rate than girls by a ratio of about 4 to 1.

2. The increase in the rate of arrests is higher for girls than it is for boys. (Don't let students confuse this with the fact that many more boys than girls are involved in crime.) Speculation as to why female crime is on the increase may center on the liberated role of today's women. Specifically, much of this increase is directly related to the rise in shoplifting, which in general is more of a woman's than a man's crime.

Page 24:

3. In the Crime Index, robbery is the fastest rising crime among girls. Larceny is high, due to the large numbers of teenage girls who become involved in shoplifting.

4. For girls:

   (a) The fastest rising arrest category, including all crimes, is "narcotics" (4,599.6 per cent!). The second highest is "stolen property" and third highest, "other assaults."

   (b) Almost all categories of crimes are increasing faster for girls than for boys.

(c) Those arrests with a 100 per cent rise in ten years can be located in the table; they include a majority of the categories.

5. For boys:

(a) "Narcotics" is also the fastest rising arrest category among boys (2,956.7 per cent).

Second is the category of "stolen property" and third, "embezzlement."

(b) Those arrests showing a 100 per cent rise in ten years can be located in the table; they include a majority of the categories.

6. With boys and girls combined, the Index crime showing the greatest increase is "robbery." The second greatest increase in serious crime occured in the category of "murder."

7. With boys and girls combined, the fastest rising crime in all categories is "narcotics." A few crime arrests did decrease between 1960-70. They include sex offenses, gambling, offenses against family, and suspicion.

● Table 6

1. Teenagers under 18 were responsible for over half of the total arrests made for the following crimes in the Crime Index: buglary, larceny, and auto theft.

2. The greatest arrest category in the Crime Index for those under 15 was larceny (25 per cent). A possible explanation for this is the high involvement of youth in shoplifting.

3. Youths under 15 were responsible for 45.3 per cent of all arrests for vandalism; youths under 18 were responsible for 72 per cent.

4. Youths under 15 were responsible for 39 per cent of all arson arrests; youths under 18 made up 59 per cent.

5. Runaway, curfew, arson, and vandalism seem to be particularly frequent arrest categories for those under the age of 15.

6. The following offenses seem to "jump" in importance or seriousness between the ages of 15 and 18: stolen property, carrying a concealed weapon, sex, narcotics, liquor, curfew, and loitering.

Page 27: ● A summary of statistics does paint a gloomy picture of juvenile crime. Here students are challenged to consider factors that limit the reliability and validity of the figures. (Refer to "Background Information," page 25.)

Page 29: ● The meaning of "incorrigible" and "disorderly conduct" are purposely vague and imprecise. They were included in the statutes to give teachers, parents, police, and judges as much latitude as possible for using the authority of the court to deal with "wayward youth." In the last analysis, it is the juvenile court judge who defines these words and decides if a teenager's behavior is "incorrigible" and in need of court intervention.

Page 30: ● The judge in cases involving adults must work within definite, prescribed boundaries: he does not decide the guilt or innocence of a person if it is a jury trial and he must apply such penalties as established by law. The juvenile court judge, on the other hand, always decides guilt or innocence, and he is not compelled to impose any particular penalty as set down in the law. He is free to select correctional methods that he thinks will be in the best interest of the juvenile before him.

● In an absolute sense, theft of 25¢ does not seem as serious as a theft of $100. On the other hand, to a vicitm who has only 30¢ to begin with, the theft of 25¢ can be as serious as the adult theft of $100.

● Parkinson's theory suggests that work-load expands to fill the time of the staff available. Many suburban police officers, who previously would not take the time to travel

into the city of Cleveland for a juvenile court case, found new clearing courts established in Cleveland Heights and Euclid in 1969 much more convenient. Thus, they began to refer more young people to court than they ever had in the past.

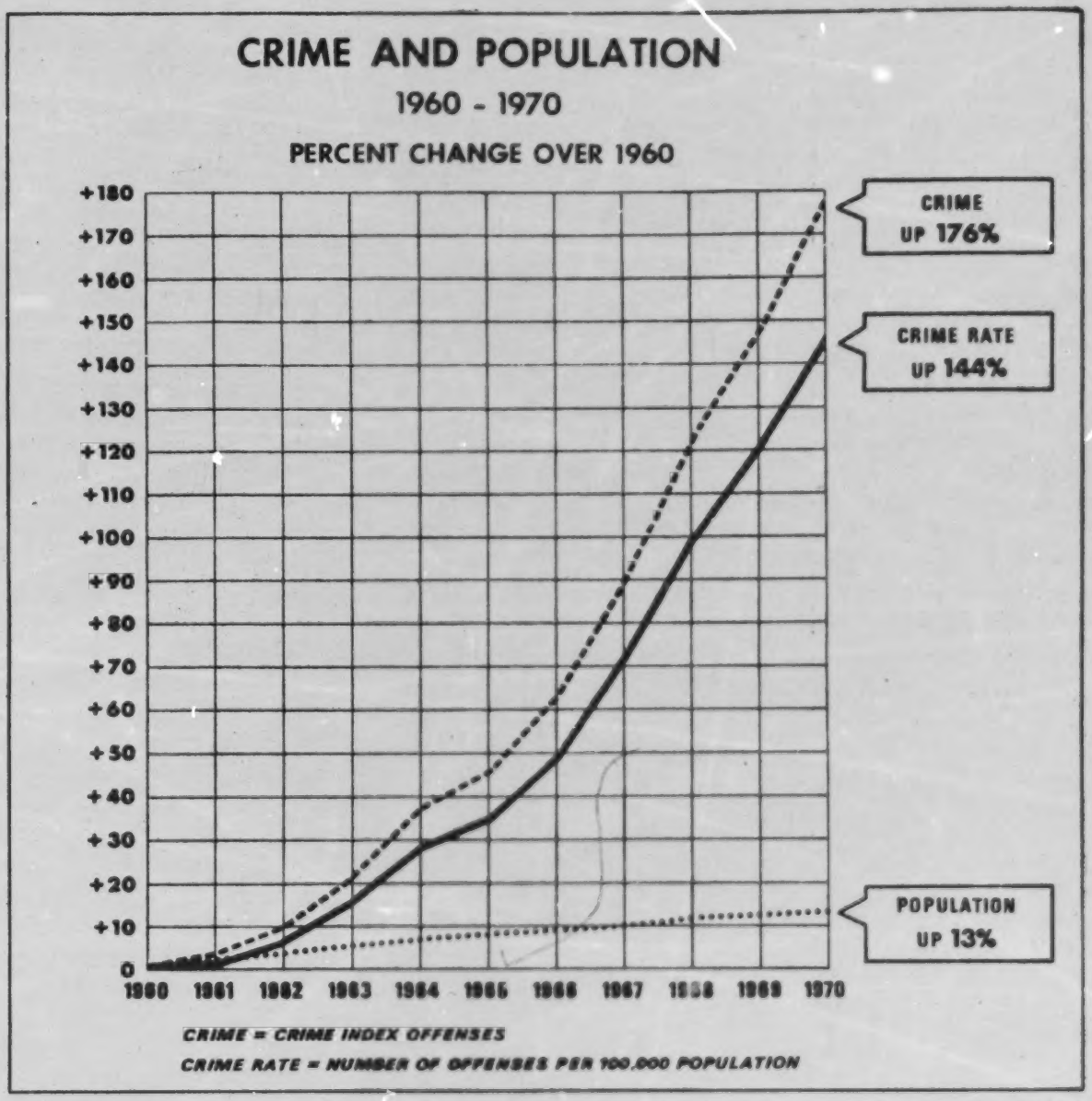
ACTIVITIES

1. Research—For additional research, students are referred to the latest FBI Crime Report in the public library. By consulting the latest figures, the student can identify the most recent trends in youth crimes.

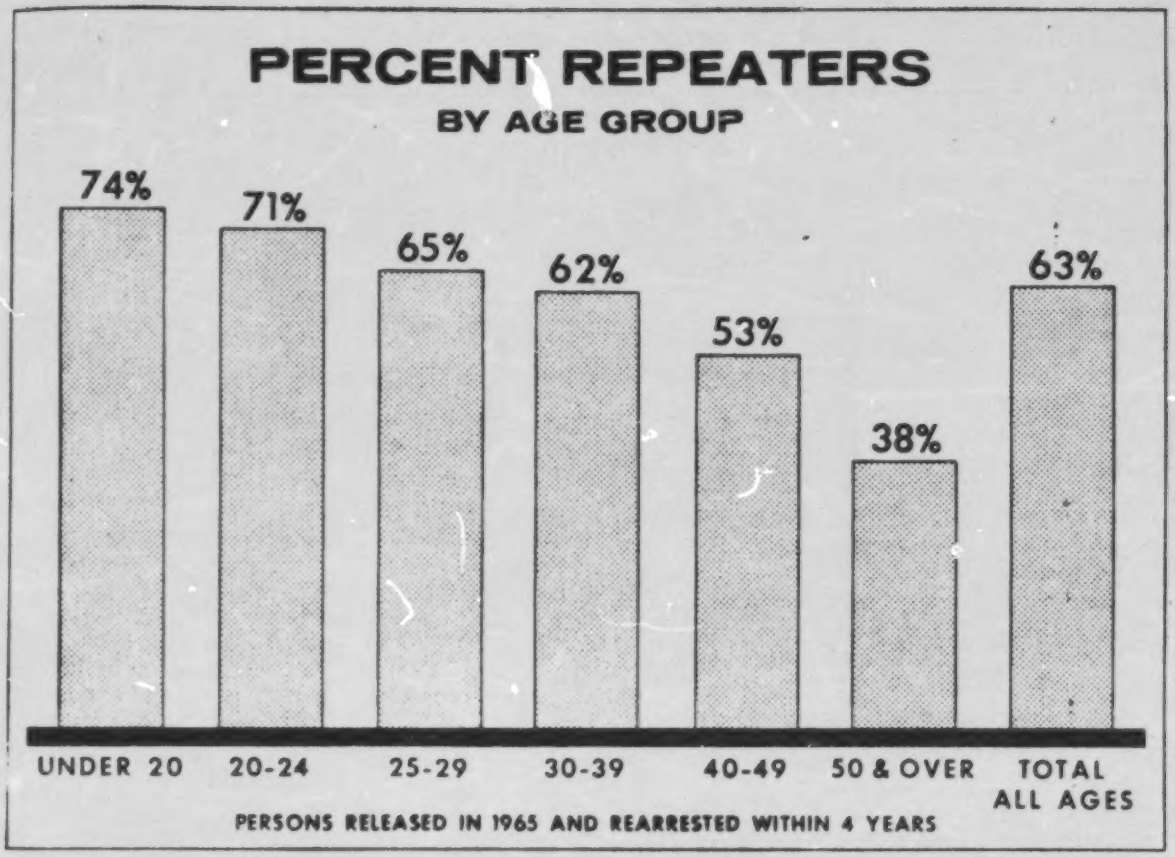
2. Debate—Tables, charts, and graphs in Chapter 2 provide excellent research sources for debate. A possible debate topic might be, "Resolved, that there has been an alarming rise in juvenile crime during the past ten years."

3. Tables, Charts, and Graphs—Graphing is a simple method of expressing statistical information. One activity students might find rewarding would be to translate some of the information they have gleaned from Tables 1-6 into easy reading graphs. Students may be asked, for example, to make a picture graph or a circle ("pie") graph of the ratio of boys-to-girls arrested for juvenile delinquency.

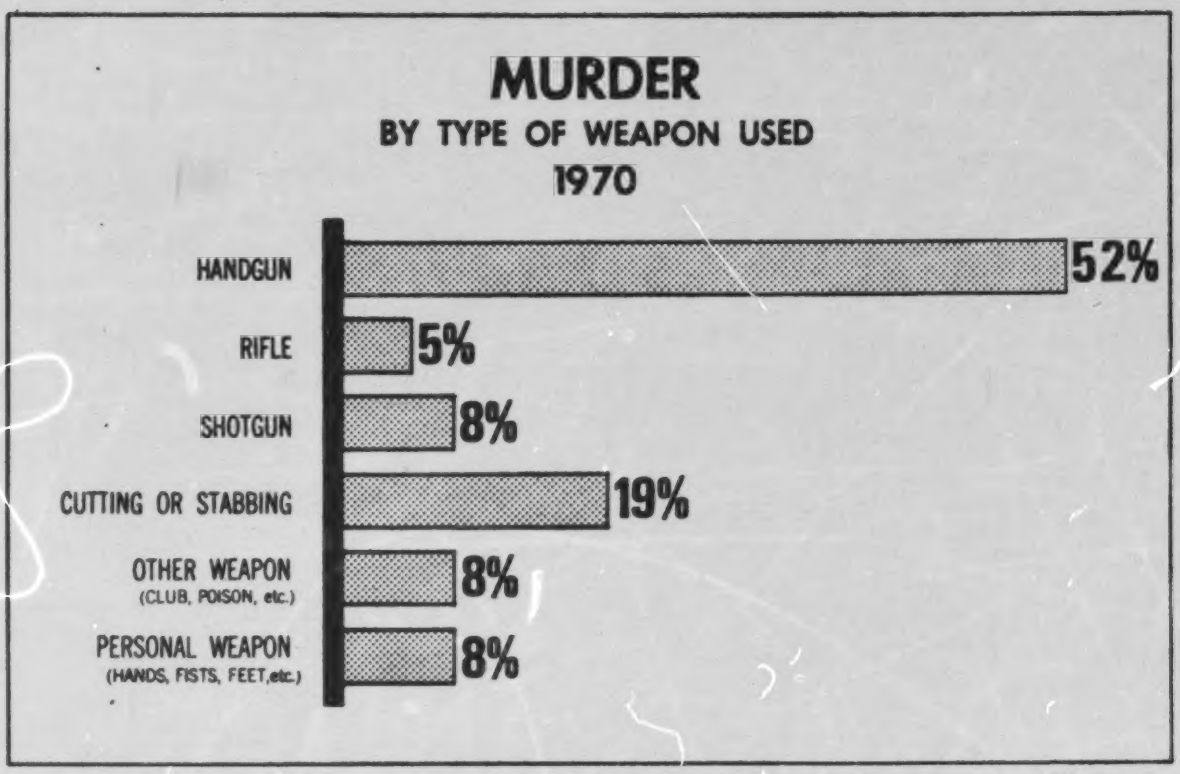
   Alternatively, the teacher may wish to use the charts that follow as a means of stimulating interest and encouraging analytical thinking.



SOURCE: Uniform Crime Reports—1970, p. 2.

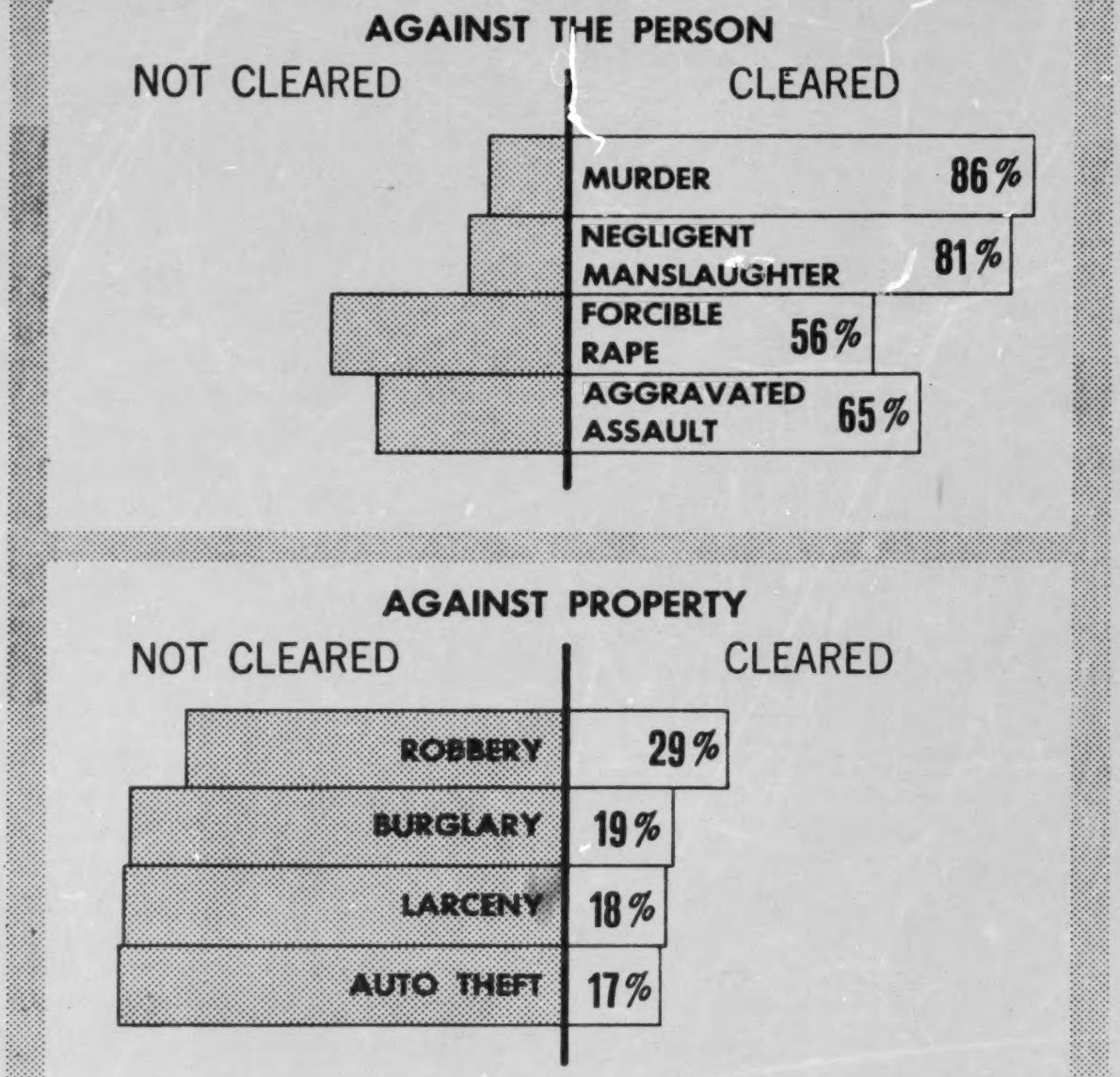


SOURCE: Uniform Crime Reports—1970, p. 41.



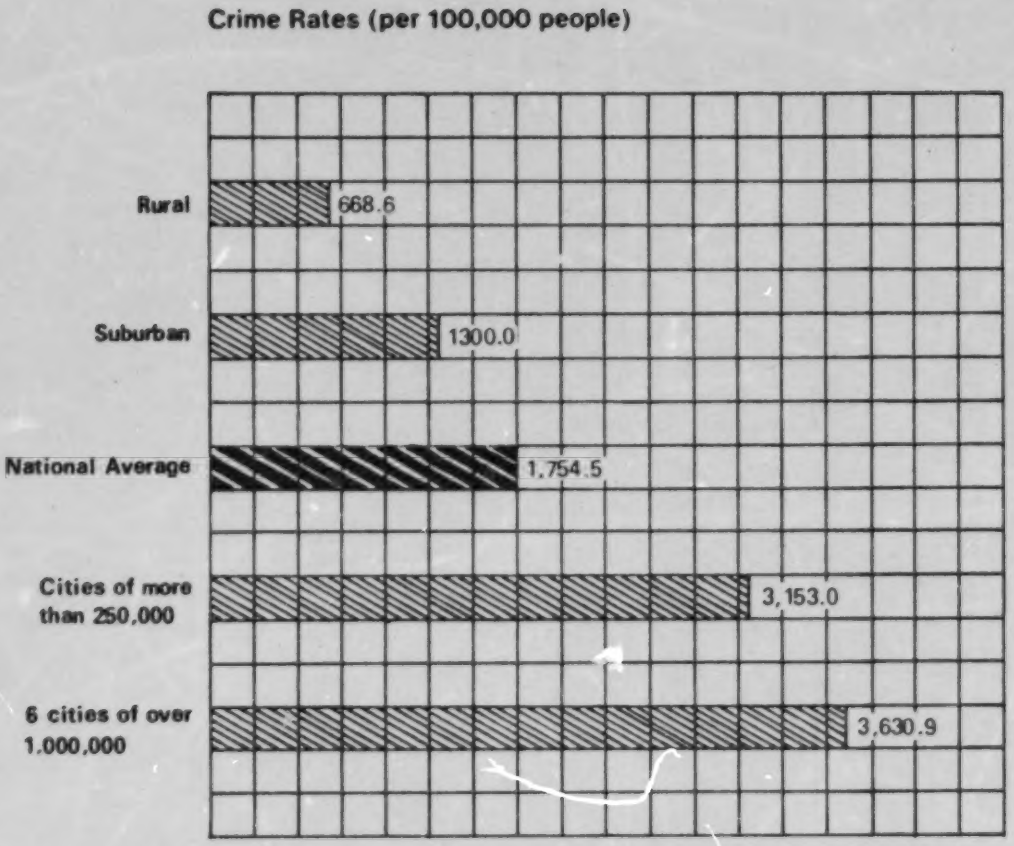
SOURCE: Uniform Crime Reports—1970, p. 8.

CRIMES CLEARED BY ARREST
1970



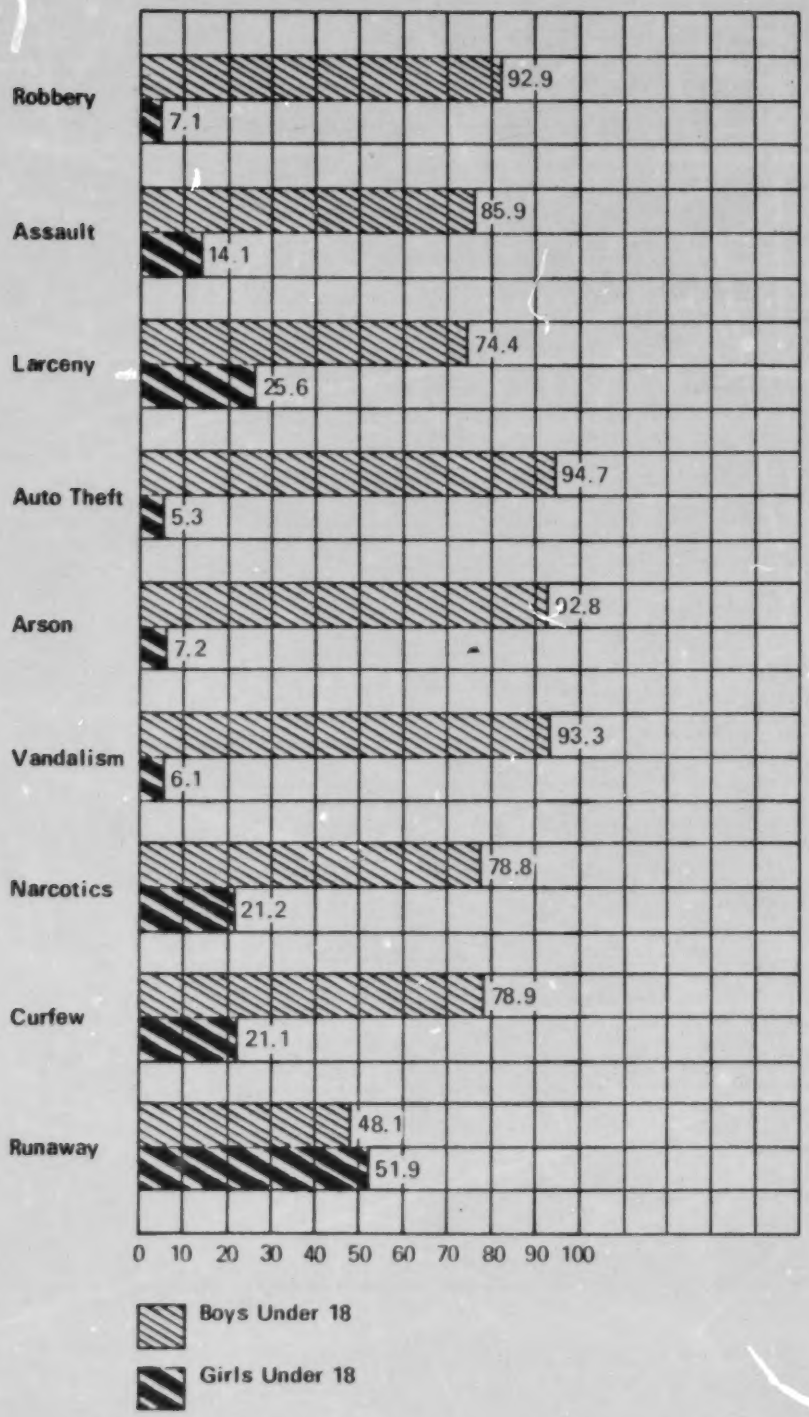
SOURCE: Uniform Crime Reports—1970, p. 32.

FBI CHART

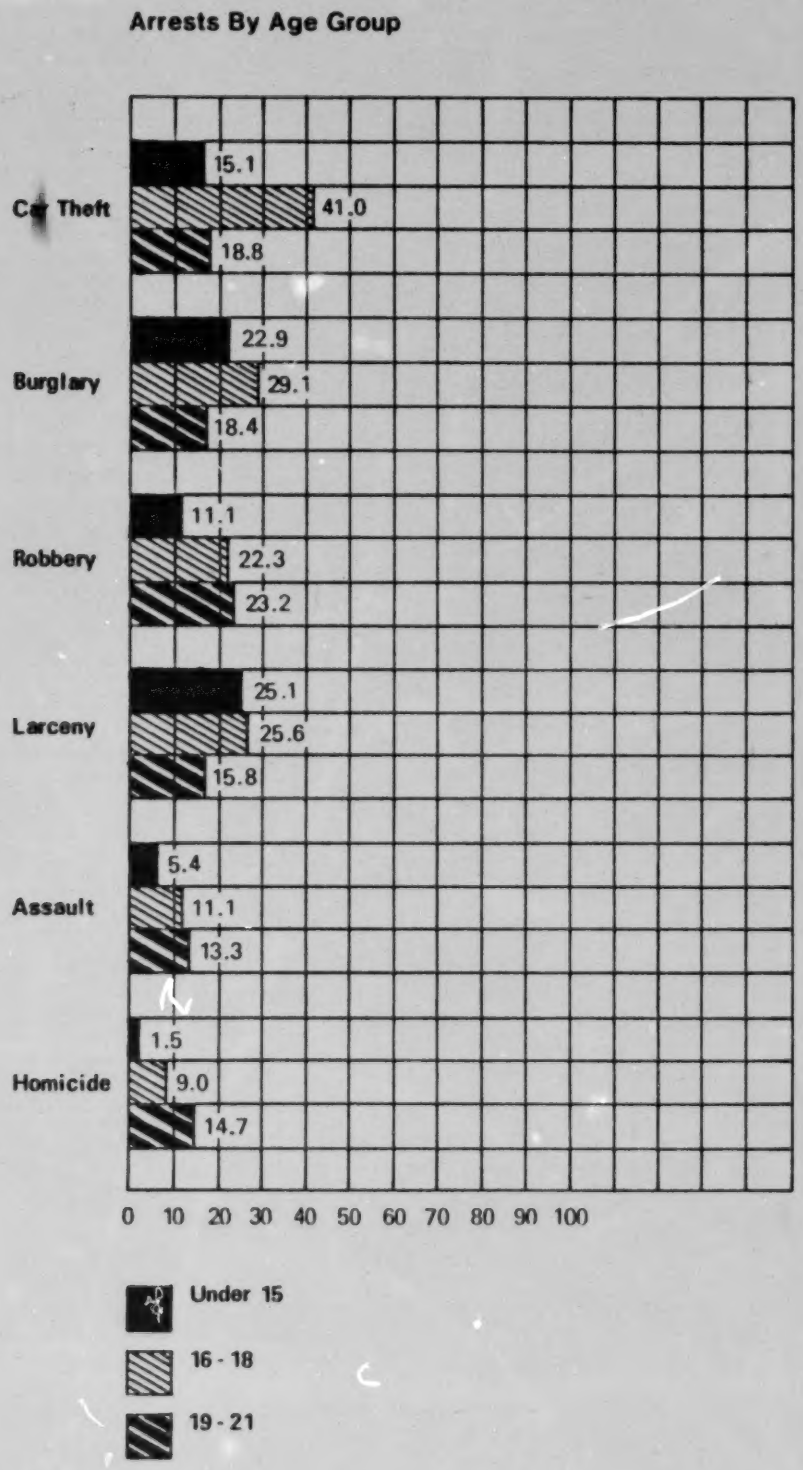


SOURCE: Uniform Crime Reports—1970.

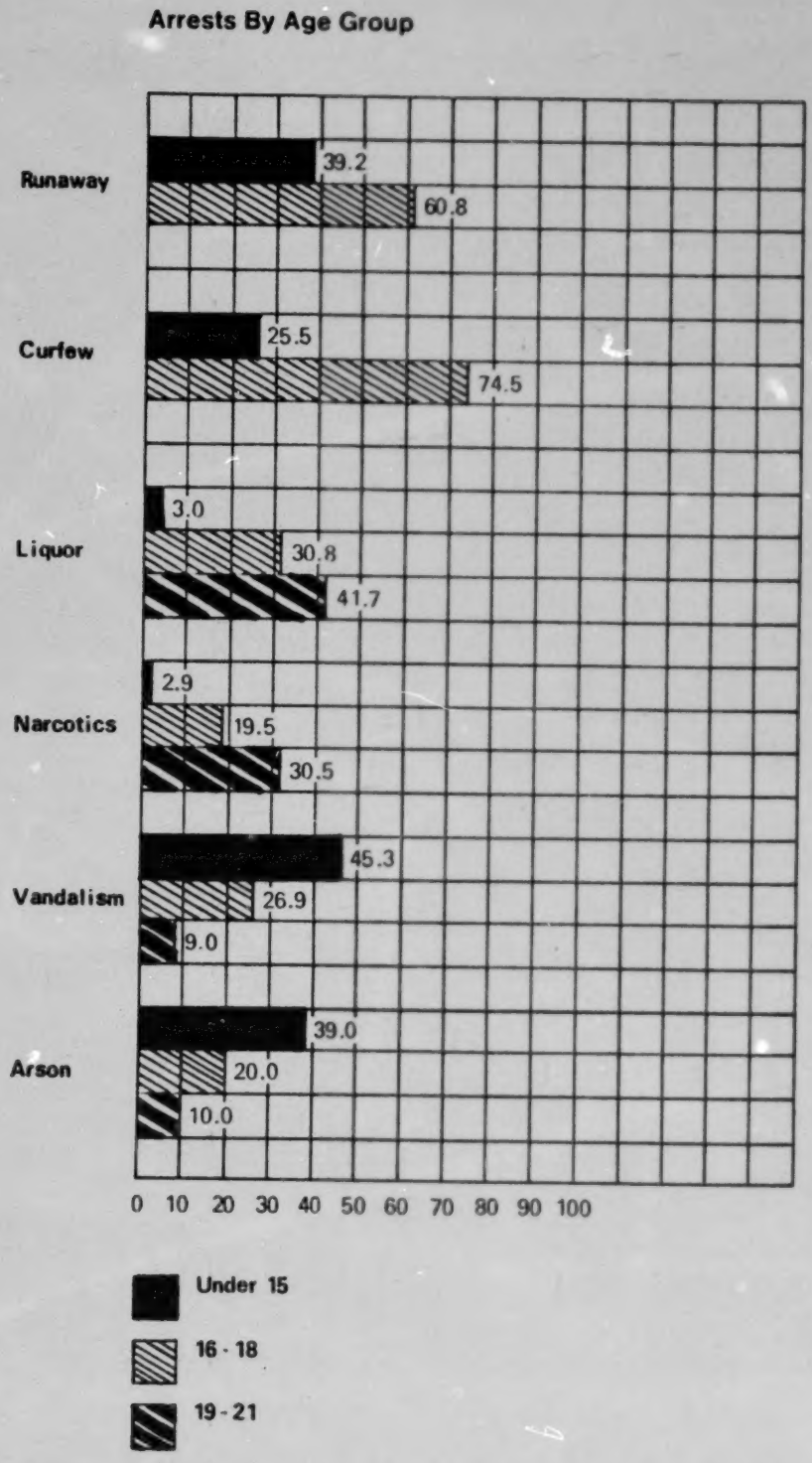
Arrests By Sex



SOURCE: Uniform Crime Reports—1970.



SOURCE: Uniform Crime Reports—1970.



SOURCE: Uniform Crime Reports—1970.

CHAPTER 3

Laws: Who Needs Them?

Text pages 32-59

The purpose of Chapter 3 is to review two very important concepts which ought to have been explored at the elementary level. These two concepts are the function of law in human society and the nature of our political obligation to obey law.

The student material is divided into three sections. The first section deals with society's basic need for rules, and the consequences that can result if the laws of a community are generally disobeyed. The second section treats the origins, nature, and sanction of laws and leads into the topic of political obligation. The third section is a discussion of direct and personal reasons why young Americans should obey the laws of the community: it is, in other words, a study of political obligation.

Text Outline

ARE LAWS NECESSARY?
- Law and Human Nature
- Law and Freedom

DIFFERENT WAYS OF MAKING AND OBEYING LAWS
- Human Laws
- A History of Lawmaking
- Obedience in a Free Society
- Are There Moral Laws of Nature?

WHY SHOULD I OBEY THE LAW?
- Predictability
- Injury to Innocent People
- The Golden Rule

CASE STUDY

CONCEPTS	OBJECTIVES Questions to be developed*
 The nature of man	What is man's basic "nature"? Is he naturally good or evil? Does he need <u>law</u> in order to live together with others?
The nature and importance of values	In what ways can innocent people be hurt, directly and indirectly, by the illegal actions of other people? What is the Golden Rule? Is it a good guide for behavior? Is is possible for people to live according to this rule?
 The nature of law	What kind of society would we have if there were no laws? In what ways can it be said that law <u>increases</u> a people's freedom? What are differences and similarities between human law and physical law? Between human law and moral law? What are some of the characteristics of an "ideal" law?
The nature of government	What is the Rule of Law? How does it differ from the Rule of Man?
Political obligation	What reasons, besides fear, do people have for obeying their laws? How would our reasons compare with those of a person from a totalitarian country?

<u>Behavioral Indications</u>: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the materials presented in this chapter. The questions may also be used as a basis for review and evaluation.

BACKGROUND INFORMATION

POLITICAL OBLIGATION

The term political obligation is a central concept in political science and political philosophy. It refers to the moral sanction which leads or should lead each citizen to obey the law voluntarily. It is a topic that many thinkers from the Hebrew prophets and Confucius onward have wrestled with. It has, as the reverse of the medal, the question: When is a person morally bound not to obey the law?

The pupil text offers, in fairly simple form, some of the various arguments to justify political obligation.

1. People obey laws because they are brought up to obey automatically. Obedience is simply part of being human and a member of a human society. (This is true of primitive, customary societies, and is in part true of all societies. As St. Augustine said, even a band of robbers has to have rules that its members obey.)

2. People obey because they are afraid of the punishment which society imposes on lawbreakers. (This, too, is in part true of all societies; it is, however, hardly a moral reason for obedience.)

3. People obey because they realize that it is to their personal interest to have laws. If everybody disobeyed there would be chaos. It is better to obey a harsh law than to suffer violence and oppression from other members of society. (This is the argument of the philosopher Hobbes. It applies in part to all societies. It applies especially to societies where laws are arbitrary and often unjust, such as dictatorships. One hears the argument today from some members of minority groups in the inner city, who may and do argue that a certain amount of police brutality may be preferable to desperate insecurity of life and property on the city streets. It is a valid, but not the highest rational or moral argument for political obligation. At its worst it leads to acquiescence in institutionalized injustice; an extreme example: the Nazi extermination of the Jews.)

4. People obey because they participate in making, and agree in the general tenor of, the laws. (This is the argument of representative democracy, free expression, and majority rule. It is a sound argument, but not necessarily a "clincher." After all, the majority may impose unjust and harsh laws on the minority: whites may oppress

blacks; the poor may "soak the rich"; the middle class may exploit a poor minority; one language group may discriminate against a minority language group; and so on. Still, the argument says: if there is a general consensus in society over moral values and constitutional procedures, and if agitation to reform the laws is permitted, then majority rule is acceptable, and the minority is morally bound to obey. See pages 48-49 in the pupil text.)

5. People obey laws because the laws of society correspond, more or less, to the higher moral laws of reason and nature. The argument allows for the imperfection of human beings. It assumes that most of us are torn between selfish or evil impulses and good or unselfish ideals. The laws, if good, strengthen each person's yearning to do right. When we face temptation to do wrong, the law comes in and backs up our better self. (This is the highest moral argument for political obligation. Its weakness, or strength if you like, lies in its inability to justify obedience to a bad law. Here the reverse of the medal appears: if one is morally bound to obey a good law, then one is also morally bound to disobey a bad law. Thus, given the imperfection of human nature, this argument may lead back to anarchy and chaos, with every person appealing to his or her own conscience against the existing laws.)

These five arguments are all worth taking into consideration. In a perfect society the fifth argument would be paramount and unquestionable. But a perfect society would probably not need laws—in the sense of enforced rules—anyway. So we are led to check the fifth argument against the others—obedience to laws made by the majority and their representatives in a context of general moral consensus, obedience out of personal interest in order and defense as opposed to chaos and aggression, and on mere reflex acceptance of authority.

THE TEENAGER'S "BLIND SPOT"

There seems to be no question that youngsters ought to be encouraged to think about the general propositions listed above. However, their experience and mood (phase of development) may cause them to resist such arguments. Their view of laws tends to be narrow: they may think that laws are restrictive rules imposed by adult society on young people who have no part in making the laws and whose liberty is infringed by them.

Thus, many teenagers have a negative bias toward law. If these young people are to gain a mature respect for our legal system, they must

come to realize that the "restrictive" aspect of law represents only one of the ways that laws benefit society. To emphasize the positive aspect of law, teachers will have to deal with the teenager's question, "What do laws do for me?" (Or, "What difference would it make in my life if there were no laws?") These questions do have valid answers, but to be meaningful to a student, they must be answered in terms that he can relate to his own experience. The "blind spot" of the rebellious adolescent must be recognized, and conscious efforts made to correct this moral ophthalmic weakness.

The emphasis, where possible, must be on the protective and liberative. Consider, for example, three distinct and necessary types of laws:

1. laws used to settle disputes between individuals and groups in society;

2. laws to ensure predictability and coordination of activities and behavior in daily living;

3. laws to protect persons and property against aggression (crimes).

It is probably true that for most of us, including adolescents, the first two categories of law play a more prominent and continuous part in our lives than does the third category.

Dispute Laws—Students will recognize that there are times when even "honest" people disagree. Students will likely be able to recall conflicts that have occurred in their own homes—not because some member of the family was "bad," but simply because when people are living together, situations arise which occasionally lead to conflict. For example, one member of the family may need to study for a history exam; another member may feel he needs to practice his tuba for a band concert. The result is a conflict of interest. Or a student may buy a basketball which goes flat. The student may feel the ball was defective; the store owner may feel the ball was misused. The result is a conflict of opinion. When millions of people are living together in a complex society, these conflicts will be common—some even unavoidable.

Quite often, individuals can work out a dispute by themselves. However, when they cannot, some process of conflict-resolution must be available. Flipping a coin isn't "just," and fighting is not an acceptable alternative. Instead people rely on the impartial judgment of a neutral party—the court.

The judicial system, which is available to all citizens, has been established by a series of laws. These laws guarantee that one party in a dispute may bring the matter before a judge. It guarantees that both sides have the right to be heard and that the loser has the opportunity to appeal. Finally, it guarantees that both sides will abide by the decision of the court.

Regulatory Laws—Even if there were no disputes among people, a society would still need laws. Without some "regulations," seemingly blameless actions must often interfere with the rights of others. The clearest example of the need for regulations is traffic laws. Ask students to imagine what it would be like to drive an automobile without speed limits, stop lights, or any agreement as to which side of the road should be used.

These examples should make clear the ways in which laws can increase our freedom. Such rules free us from inconvenience and delay, and they free us from worry. They provide us with "a framework of expectations" in which we can live and work with a maximum amount of efficiency and safety.

Students may think of many other regulatory laws. Consider: laws governing standard time and daylight saving time; laws setting standards for schools, buildings, food, drugs, medical doctors, hospitals, drivers' licenses, zoning, aircraft flights, vehicle safety, flame resistant clothing, hours of work, minimum age for working, selfare, social security, etc., etc. It is hard to imagine life in a complex industrial society without thousands of similar regulatory laws.

Criminal Laws—Most students are familiar with criminal law. They can understand the need to be protected from the harmful acts of others. Yet students should be aware that the "criminal code" represents only a small portion of our total law code. Of the numerous sections included in the six volumes of the 1971 Ohio Code, only one section deals directly with criminal procedure:

Arrangement of the Fourth Edition

BALDWIN'S OHIO REVISED CODE

General Provisions

VOLUME 1	Title 1	State Government
	Title 3	Counties
	Title 5	Townships
	Title 7	Municipal Corporations
	Index	
VOLUME 2	Title 9	Agriculture—Animals—Fences
	Title 11	Banks—Building and Loan Associations
	Title 13	Commercial Transactions
	Title 15	Conservation of Natural Resources
	Title 17	Corporations—Partnerships
	Index	
VOLUME 3	Title 19	Courts—Municipal—Police—Mayor's—County
	Title 21	Courts—Probate—Juvenile
	Title 23	Courts—Common Pleas
	Title 25	Courts—Appellate
	Title 27	Courts—General Provisions—Special Remedies
	Title 29	Crimes—Procedure
	Rules of Practice	
	Index	
VOLUME 4	Title 31	Domestic Relations—Children
	Title 33	Education—Libraries
	Title 35	Elections
	Title 37	Health—Safety—Morals
	Title 39	Insurance
	Index	
VOLUME 5	Title 41	Labor and Industry
	Title 43	Liquor
	Title 45	Motor Vehicles—Aeronautics—Watercraft
	Title 47	Occupations—Professions
	Title 49	Public Utilities
	Index	
VOLUME 6	Title 51	Public Welfare
	Title 53	Real Property
	Title 55	Roads—Highways—Bridges
	Title 57	Taxation
	Title 59	Veterans—Military Affairs
	Title 61	Water Supply—Sanitation—Ditches
	Index	

THEORIES OF PENOLOGY

It may interest students to know that in many societies in the past criminal law was much like dispute law, in that it treated crime as a business between the criminal and the victim. Fines for criminal acts were paid directly to the victim or his family. However, in all civilized states today, as in the later Roman Republic, crime is considered an offense against the state: it is the state whose majesty is offended by crime and which imposes penalties.

Teachers may find that their students want to discuss the nature and purpose of penalties in criminal law. Penologists have classified theories of punishment roughly as follows.

1. Revenge: unless some action is taken to punish malefactors, victims or their families will "take the law into their own hands."

2. Retribution (not the same as revenge): justice demands that the perpetrator of an evil act be made to suffer for it; if he does not suffer his own conscience will not recover; retribution also shocks the criminal into awareness of the wrong he has done.

3. Deterrence (the prevention of crime): this works in three ways.

   a. The sight or knowledge of the punishment of criminals acts as a warning to others.

   b. Punishment may prevent the criminal from repeating his act.

   c. The thought of probable punishment may deter a person on the point of committing a crime.

4. Rehabilitation: the treatment of the criminal should be designed to restore him to mental, moral, and social health or normality.

5. Protection of society: a person who has committed a crime should be removed from circulation for the sake of all innocent people; our ancestors used capital punishment widely; this treatment was replaced by "transportation" to distant colonies and, later, by long terms of incarceration.

Possibly every one of these theories has a bearing on the choice of a system of penology appropriate to a given society or the treatment of a particular criminal. One or more theory may be especially valid in certain

circumstances, but it is dangerous to ignore completely any of the theories.

One last point may be raised. How important is quick and sure punishment? This question is highly relevant in the United States, where, today, the process of justice is often extraordinarily dilatory and inefficient. Consider the following comment on an international criminal problem, made by the Soviet dissenter, Solzhenitsyn:

> Aircraft hijacking and other forms of terror have multiplied tenfold precisely because we are all too quick to capitulate to them. But when one displays toughness, then one can always triumph over terror. Heed this well.[3]

SPECIAL UNIT ON THE LIBERATIVE ASPECT OF THE LAW

Professor William Stanmeyer of Georgetown University Law Center, and currently Director of the Center for Law and Education and a consultant to the Educational Research Council of America, has prepared a series of class activities on the liberative aspects of law. These lesson units are included, by kind permission, in the "Activities" at the end of this chapter.

NOTES ON QUESTIONS

Page 33: ▶ Although this interview took place in a suburb of Cleveland, Ohio, it represents a kind of adolescent thinking that might be found today in almost any area of the country. Obviously, the boys hadn't thought much about our system of law or about the ways in which it serves the average citizen.

- This question is intended to stimulate a general class discussion about attitudes toward the law.

- If a great many people in a society feel no personal commitment to obey the laws, then they will either have chaos or, more probably, a very oppressive police state in which individuals are forced to obey out of a sense of <u>fear</u>.

Page 34: ● This question and the following one call for students' opinions and are intended to raise again the issue of man's need for law. The teacher will probably recognize the

ideological affinities of the various statements. Number one is anarchism or the end position visualized by Marxism-Leninism. Numbers two and five tend to reflect the views of Locke, Jefferson, Lincoln, Madison, and earlier thinkers such as Aquinas, Aristotle, Socrates, and Plato. Numbers three and four are similar to the views of Machiavelli and Hobbes, and, perhaps, the Epicureans and St. Augustine.

- It is unlikely that many students will know the anarchist theory that evil results from laws, force, and property. However, some may opt for this position. It is not really possible to controvert it, since all societies known to history seem to have had laws and sanctions.

- Students' responses will be interesting. A person's view of human nature is significant because it may well determine the type of political system he will choose for society. If man is basically and essentially "bad," then he must be firmly controlled and supervised by the government. If he is "good," then he requires far less control and can be responsible for considerably more freedom.

Page 35:

- Without rules the older and stronger members might take advantage of a younger or weaker member of the family. Children would squabble and gang up against individuals. There would be little peace or order at any time.

- Rules for the home might include those which regulate such privileges as using the telephone; or they might include those which distribute such necessary chores as washing the dishes, mowing the grass, or picking up clothes; or rules about mealtimes, bedtime, etc.

- Students can use their imagination in describing the confusion that would occur if football, or any other sport, had no rules.

- Rules cannot be devised after a dispute has arisen (without a good deal of argument and protest). Students who have had experience with "pick-up" sports should recognize the need to have clearly established rules and boundaries before a game begins.

- Students should find the answer obvious. There will usually be others who are stronger, better armed, more ruthless, or more numerous than oneself or one's gang.

● The immature attitude of these boys is very ego-centered. Their comments show almost no concern for anyone outside themselves.

Page 36: ▶ Law enforcement in the home is usually the responsibility of the parents and occasionally older brothers and sisters. At school, the teachers and principals and often students enforce the rules. In the community, the major responsibility for enforcing the law lies with the police. Remember, in a free political community, the enforcers cannot and should not be arbitrary, but in home or school the enforcer may also be the judge and arbiter of punishment.

▶ In any society, part of people's sense of political obligation is based upon a fear of punishment. Students can list some of the "enforcers" and punishments which are common in their personal experience. Note that the police cannot impose penalties; that is the business of the courts of law.

★ City employees of Boston were hurt by the rising cost of living following the end of World War I. In September 1919, the Boston Police Commissioner refused to recognize a union and most of the Boston police force walked off their jobs. The strike was quickly broken, and the strikers lost their jobs.

As students may guess, hoodlums had a "field day" during the strike. They smashed windows and looted stores at will. The mayor of Boston called for state troops, and Governor Calvin Coolidge sent the National Guard. In addition, a volunteer corps was formed to patrol the streets and protect life and property.

Much more recently, a strike of policemen in the city of Montreal in 1967 set off a wave of crime and violence. The following excerpt is taken from a Canadian newspaper account:

POLICE RETURN TO CITY IN CHAOS

Montreal—More than 3,000 city policemen and firemen fanned out across Montreal early today to combat widespread rioting, looting, arson and vandalism bordering on anarchy....

The police ended a 16-hour illegal strike to protest against an arbitration board salary award at the urging of their union leaders. The end came about 20 minutes after the midnight deadline set by the Quebec National Assembly in emergency back-to-work legislation passed last night....

Rioting, looting and arson spread across a wide area....

Looters walked out of jewelry shops, appliance stores and department stores, calmly carting away merchandise worth thousands of dollars, with no one attempting to stop them.

Ten banks were held up in addition to a finance company, two grocery stores, a jewelry store and a home. Gunman made easy escapes.... [4]

- You might wish to use everyday examples of what would happen if the "enforcers" disappeared. What might happen if a teacher left the room for a long distance phone call and didn't return for the rest of the period? What might happen if parents left their teenagers at home for a weekend's vacation? Students have considered the question of "human nature" in general terms. What about their own "nature"? What do <u>they</u> think they would do if there were no one to enforce community (or school) laws? What might they also <u>suffer</u>, because of what others did?

- The point can be made again that even if there were no "bad" people, a society would need laws. Two honest, well-meaning baseball players could quite easily disagree on a close play at home plate. This type of disagreement happens in real life, as well as in games.

Page 37: ● If there were no referees—or, in the case of society, no courts—it is likely that disputes would be settled by sheer power and force so that the strongest or the most unscrupulous would have their way.

Page 39: caption

If there were no traffic laws, driving would be extremely hazardous. Not only would the irrational driver be free to engage in reckless actions, but all motorists would not know what to expect of each other. The aggressive driver would rule the road—at least until he had a collision! Other examples of laws which increase our freedom and safety include those which regulate standards for food, drugs, fuel, construction, time, etc.

Page 40: ● We don't live by ourselves, self-sufficient in the wilderness. Out of necessity, in order to live, we enter into "cooperative relations" with other people. We go to the supermarket for food, call the doctor in times of illness, and turn on gas, water, and electricity to maintain our domestic comfort. All of these necessary activities involve implicit expectations. We expect our water to be pure, our food to be wholesome, and our transportation safe. At the same time, we accept certain obligations in return for our goods and services. Without shared expectations, without common assumptions, without a mutual acceptance of our rights and duties, these relationships would be filled with hazard and frustration.

● Traffic regulations offer an excellent example of how laws, which at first appear to restrict our freedom, actually enhance it. Even though a "good man" may wish to be polite and considerate of others on the road, he will lose his freedom to act this way in "unregulated" traffic. With no rules of the road, the standards of behavior are not set by the best driver, but by the worst.

● It makes little difference whether all motorists drive on the right or left side of the highway. What is important, however, is that everyone operate within the same prearranged system so that each will be able to confidently anticipate the actions of others. Security and confidence come with experience in the established custom. These types of regulatory laws are <u>conventions</u>. There is no natural, moral law about which side of the road one should drive on.

● In planning a trip to Alaska, the normal range of expectations might include legal standards of food, gasoline, lodgings, money, time, auto repair, and hospital care. In addition, a citizen can expect that the law will provide him with protection and a means of settling his civil disputes legally.

Page 42: ▶ The saying, "Nobody ever breaks the laws of gravity; it always breaks you," is a reminder that natural laws cannot be successfully disregarded by men. Those who jump from cliffs or from seventh story windows are "broken" in the attempt. The laws of gravity remain unbroken.

● Astronauts who orbit the earth or fly to the moon have accelerated fast enough in their rockets to escape the pull of the earth's gravity. Students will no doubt remember scenes on television of these men floating in space in a "weightless" condition.

★ Actually, space men never escape from the influence of gravity. It is the force of gravity which helps to regulate the the solar system and hold the moons, planets, and sun together. Without the gravity (or pull) of our sun, the earth and other planets would leave their orbits and fly off into outer space.

★ Until the work of the physicists mentioned, people tended to think of the laws of physics as descriptive of the behavior of each molecule or atom. However: "modern quantum mechanics...has revolutionized methods of dealing with atomic phenomena and undermined concept of causality because theory cannot as yet predict behavior of individual particles but considers statistically large numbers of particles." (Columbia-Viking Desk Encyclopedia, article "Quantum Theory.") In other words, physical laws do not control (or rather, "describe," or "predict") the behavior of all particles.

● This question, and the one following on page 43, are intended to encourage a class discussion of the idea of "unjust" laws. Teenagers often feel (sometimes rightly) that they are being forced to obey rules or laws which they consider unreasonable or unfair. Students should recognize that teachers, parents, and legislators make human mistakes in the laws and punishments they impose.

Page 43:
- Undoubtedly most students have been punished for doing something that they did not know was wrong.

- The seven criteria on page 43 are fairly comprehensive. Perhaps the injustice of an ex post facto law might be added to the list.

- There are many examples of good laws which meet all of the criteria. The easiest to analyze might be the regulatory traffic laws. Stopping for a red light at a busy intersection fulfills all seven criteria. Your students will be able to think of many more.

Page 44:
- If a nonprimitive society is based on naked force, such as in the case of a dictatorship, the will of the ruling class supplies the "law." Such decisions tend to be arbitrary and variable since they are checked neither by custom nor by a constitution or permanent set of laws.

  In contrast to this are those societies where political authority rests on a constitution or traditional rule of law. Such a foundation allows the development of a standardized and often representative process through which laws are made and changed.

- A strong leader who has no restrictions on his ability to make or change the law may use this power to attack his enemies or to discriminate against those whom he dislikes. By changing the laws at will, a ruler can create even more power for himself until his authority becomes absolute. Meanwhile, every individual is at the mercy of whimsical changes in the law.

Page 45:
- Babylonians living during the time of Hammurabi knew what their laws were and what they could expect as a consequence of disobedience. This is not to suggest that every written code of laws guarantees justice and freedom and prevents inequality and cruelty. It does mean, however, that the Babylonian king could not arbitrarily change his mind and create new laws at whim.

- The laws, once written, were standardized and, to that extent, the power of the king was limited.

- "Rule of law" means what it says: the laws, recorded and published, are the measure of justice; police, judges, kings, and ministers are under the law. "Rule of man" means that the government is not bound by law; the king, dictator, or junta decide what the law is in any given case.

- At first glance some students will select the rule of "man" over the rule of "law." With further thought, however, they will see that, although one man might be wise and merciful, other men might not. The only way to insure a continuity of justice is to record the laws and require all men to obey them.

- Today, the idea of exact retributive punishment is rejected. Whatever satisfaction it might give to our sense of revenge, such punishment controverts the notion that punishment should not harm the culprit permanently. On the contrary, it should give him the opportunity to mend his ways. A blinded man or a man with his hands amputated is of little use to himself or society. Perhaps, indeed, such punishments were intended to be the prelude to death. Students will perhaps notice the absence of imprisonment in old legal systems.

  The penalties were all brief and final: either whipping, dismemberment, or death; or a heavy fine. Slavery, torture, and exile are also found in early penology. Imprisonment is a recent development, dating from the late eighteenth or early nineteenth century. The Bill of Rights of the U.S. Constitution specifically prohibits "cruel and unusual punishments," a phrase which has been variously interpreted by the Supreme Court. The intent of the Amendment was presumably to prevent torture and old-fashioned penalties such as dismemberment, branding, or hanging-drawing-and-quartering. It has also been used to prevent excessively long prison sentences and , in 1972, to forbid the death penalty when it was imposed whimsically and erratically, as it had been in a number of states.

Page 46: - An absolutely rigid code of laws may make no distinction between those crimes which are intentional and those which are accidental. As students can see, there must be a human element in the dispensing of justice. Accordingly, our

judges use a degree of discretion, within a legal framework, to evaluate each individual case. Age, sanity, and intention can all be extenuating circumstances to be weighed by the court in coming to a decision. We believe in justice (rule of law), but a justice tempered with mercy (judgment of a qualified judge).

★ The laws of the ancient Hebrews have some things in common with those of Hammurabi. This is to be expected, since the influence of the great civilizations of Mesopotania spread throughout the ancient Middle East. For example: it was death to strike or curse one's father or mother. However, other laws are milder, such as the law freeing bondservants after seven years, or the law protecting widows and orphans. The phrase Divine Law is used by theologians to refer to the laws of God that are specifically revealed and transmitted by the Bible. The especial feature of some Divine Laws is that they are not, and cannot be, enforced by human penalties. Thus it is God who will avenge the afflicted widow or orphan (Exodus 22: 22-24). Similarly in the New Testament Jesus said that it was just as wrong to be angry with someone as to kill him. Divine Law leads from the realm of crime to the more elusive realm of sin.

Page 47: ★ Access to political leadership in the Soviet Union is gained solely through membership in the monopolistic bureaucracy of the Communist Party of the Soviet Union. It is the only political party that is permitted to exist. The Party leaders select those they consider the ablest professional politicians, subject them to discipline, and present the electorate with only one list of candidates for their formal approval. The politburo is the ruling group: it consists of a few men coopted by the chairman of the Party (at the time of writing the chairman was Leonid Brezhnev).

● This question is intended as an introduction to the next section, "Obedience in a Free Society." It can be used as an inquiry activity to help students begin thinking about the variety of reasons we have for obeying human laws. A summary of these reasons is presented for the students on the following page of their text.

Page 48:

- A majority of people would probably stop for a red light late at night, despite the absence of traffic or police. One of the benefits of living under the umbrella of law is being able to anticipate how other people will behave. This advantage cannot be realized unless each member of society can be expected to obey the law at all times.

- Among changes in the laws that may be mentioned are:

  1. Modifications in some state laws about abortion. Presumably these are due to shifts in moral assumptions about human life (and when human life begins) on the part of the majority.

  2. Laws about the use of marijuana are being modified in some states. This may be due to changes in views on the effects of this drug. In addition, many persons felt that existing penalties were extreme.

  3. Tax laws are frequently changed (usually in an upward direction) as the expenses of government grow and the economy requires to be regulated.

Page 49:

- Checks on majority tyranny:

  1. Guarantees of free speech, freedom of worship, fair trial, right against self-incrimination, etc., in the Bill of Rights; Amendments XIII, XIV and XV forbid slavery and protect the rights of individuals against <u>state</u> majorities as well as <u>national</u> majorities.

  2. The Supreme Court is an appointive tribunal with the authority to declare laws passed by Congress or state legislatures unconstitutional and void.

  3. Each branch of our governments can and does act as a check on the others. The President, for example, can veto laws passed by Congress, unless Congress can muster a two-thirds majority in each house.

- The six moral laws will probably be accepted by students. A smart student may, however, point out the semantic flaw in such generalities. For instance: what is "normal, mature"?

What is meant by "respected" or "cherished"? Who defines "cruelty"? (Is a smack on the bottom cruel? Is a double load of homework cruel?) How do you define "intentionally"? What is "a fair payment"?

Page 50: ▶ Students may introduce a number of specific principles that they feel are examples of "higher law." Principles dealing with the sacredness of life, the brotherhood of man, and the free pursuit of happiness are considered basic to such laws.

★ Among the fundamental rights outlined in the Declaration of Independence are life, liberty, and the pursuit of happiness. These rights are described as "unalienable," because they are given to man by a higher authority (his Creator) and, as such, may not be taken away. The American system of law and government is built upon a foundation of these basic principles. Here, again, students may criticize their vagueness.

● Students may initially feel that only human laws have punishments. Yet, for many people, to act in a manner which is contrary to the laws of nature is to invite the suffering of a guilty conscience. There are times when this suffering can be far greater than the physical punishments of man's law. Some students may mention religious beliefs in punishment in the hereafter for transgression of moral laws.

● This is a provocative question that should raise some interesting discussion. Students are asked to choose between conflicting "laws"—actual human law and higher moral law. In their deliberation, they should weigh the "consequences" of breaking both kinds of laws.

Page 51: ● It is likely that many German citizens did not fully comprehend the extent to which Hitler and the "special" SS forces were engaged in mass cruelties. Because political and military power were concentrated in the hands of a few—and because these few also controlled the news—the average German was probably not aware of the events at Dachau, Buchenwald, Ravensbrück, and Auschwitz. Had the general public been given the complete story, it is possible that Hitler would not have been allowed to continue. Nazi

Germany serves as a reminder of the need to limit or check the power of gov[illegible]ent and protect free, and if necessary critical, news media.

- There are many times when students are caught in a conflict of loyalties. One such dilemma occurs when a friend requests aid in the midst of an examination. Here a student faces a conflict between a loyalty to the principle of honesty (or to the loyalty to a group, providing the test scores are to be curved) and the loyalty to a friend. Students will be able to think of numerous such examples, both factual and imagined.

Page 52:

- In both examples, a student is forced to choose between a loyalty to his friends and an obligation to obey the law. Raise the question: is the law in question a human conventional law or a moral law, or both?

- The next two questions can lead the class toward an exercise in values clarification. As the students become involved in these issues, some teacher guidance may be necessary.

- See above.

Page 54:

- Very few individuals would think of stealing coins from a blind man or even taking a tip from a hard-working waitress. Yet many people seem to have something of a "Robin Hood" attitude to the effect that stealing is not quite so bad if the victim has a great amount of wealth. The problem is complicated by the impersonality, as well as by the wealth, of large organizations. "What is so wrong," we hear some people say, "about taking a little from a giant chain store, or from the United States government? They've got so much they'll never miss it." However, once one starts making such distinctions and exceptions, respect for law in general is undermined. The law protects everyone equally against theft. Society would soon break down if the principle were accepted that stealing a car from General Motors was a lesser offense than stealing one from a high school student. Moreover, who would bother to serve and work hard if his property received less protection from the law in proportion to its size?

- We pay an increasingly high price for the crimes of other people. The restrictions that become necessary in order to reduce crime also reduce our freedom. Therefore, to a very real extent, we all pay part of the price of crime. If a store owner has experienced a great deal of shoplifting from teenagers, he may be overly suspicious of all young people. Because of the action of a minority, a student may be embarrassed by an honest mistake.

- In the five examples of offenses on page 54, there are a number of consequences that can be discussed. The class might be reminded to think of indirect as well as direct financial costs. These might include such things as costs for increased insurance rates, costs for additional security and alarm systems, costs for additional maintenance staff, and, of course, higher taxes for everyone.

Page 55: caption

Because of restrictions in force at our nation's airports, skyjacking stands out as a dramatic example of how a vast majority of citizens can be made to suffer for the crimes of a few. Other examples:

To prevent shoplifting and other crimes, "big brother" TV cameras monitor our actions in department stores and even some street corners.

To prevent vandalism, visitors must stand at a distance to view glass enclosed art treasures (e.g., the Pieta in St. Peter's, Rome).

To prevent the general rowdiness of a few gangs some communities have established strict curfews for all juveniles.

To prevent vandalism, some schools lock gymnasium doors and playground gates at 3:30 P.M.

Page 56:

- The three questions on page 56 are for discussion. Here again, the students come to an understanding of their own values by speculating about their responses to these situations.

There may be a difficulty in convincing some adolescents of the value of honesty. How does a teacher answer an "egocentric" teenager who asks, "Why should I be honest? What does it get me?" Perhaps it will be enough to discuss how important it is for other people to act in an honest fashion toward us. "Do unto others..." Beyond that, it may be worthwhile to discuss the relationship between nonesty and the image that a person has of himself. It may be that young people will come to realize that self-respect, or self-pride, is extremely important. In the final analysis, it is ourselves we must live with, and this becomes much easier when we like the kind of person we are.

There may be a legal difference between taking extra money that was given by mistake and cheating customers. Morally, however, both actions involve taking money that belongs to someone else.

Page 59: The case described comes from Northeast Reports (211 NE 2d, pp. 563, 567). The legal issue was whether the auto sales agency was neglignent in leaving keys in the car so that a joy-rider could steal it. The court ruled that the agency was not negligent since it could not have reasonably anticipated the horrible consequences. However, the case is not included for such legal intricacies, but because it focuses on the dangerous results that may follow from an illegal act.

- Among the laws broken by the young boys are those dealing with theft, receiving stolen property, drinking, driving without a license, and failing to stop at a stop sign.

- The class will recognize that the full extent of the damages cannot be measured in dollars and cents—although the financial loss in terms of hospital bills and a ruined automobile were certainly considerable. Several individuals came very close to death in this accident. At that time, and for a lengthy period thereafter, the suffering and the pain which had to be endured cannot at all be measured. Several of the injuries were permanently disabling. How is it possible to estimate how Katie's injuries will handicap her as she grows older?

- Intended for discussion.

ACTIVITIES

Appreciation is expressed to Professor William Stanmeyer of Georgetown University for permission to use materials he has drafted in this section.

These lessons were prepared as an aid in helping students see the positive role that law plays in their lives. Professor Stanmeyer has not followed the traditional approach of introducing the topic of law through the use of complex Supreme Court decisions. Rather, the following lessons are founded on the premise that students first deal with their own interests and experiences and then gradually apply what they learn in larger contexts.

Lesson 1. Laws as the Rules of the Game of Life: Fixed Patterns of Living Together

A. Concept

Without fixed patterns of doing things, we would constantly waste time getting in each other's way. It is necessary, therefore, to have channels of activities, or "rules of the game," to free us from unnecessary inconvenience and free us from being impeded by others.

B. Class Activities

Ask three students to come to the front of the room. In a written note, direct one to invite the others to meet after school to play basketball; or to plan a class picnic; or to go on a shopping trip next Saturday; etc., etc. As a precondition, require that the invitation be given without the use of any familiar language; insist that it must be done through some type of charade or sign language.

Have a student "sell" something of value to another; for example, a piece of athletic equipment, a record album, or perhaps even an automobile. Again require that the transaction be made without benefit of a shared language. Let the students simulate the procedure that one primitive tribe would follow in bartering with an alien tribe.

C. Application

After a short time, you can stop the activity and help students reflect on what has happened. Expand the discussion to external rules with which the students are familiar. How do established traffic patterns

in the halls and stairways, for example, promote safety and efficiency throughout the school? How do fixed time schedules allow large groups of students and teachers to function effectively?

Finally, open up the discussion to the subject of laws. Encourage students to think of those laws which increase freedom, efficiency, and safety. The class might discuss how traffic signs, speed limits, and other traffic regulations promote efficiency and increase safety on the highways; they might consider how food regulations make it possible for shoppers to buy meat quickly and confidently at the supermarket; or they might reflect on how state codes ensure that bus drivers, cooks, and classroom teachers are well qualified to do the work they do for the public schools.

Lesson 2. Laws as the Rules of the Game of Life: Fair Treatment

A. Concept

Without fixed patterns of doing things, we would constantly waste time getting into each other's way. It is necessary, therefore, to have channels of activities, or "rules of the game," to free us from losing valuable time arguing over the rules—or making them up as we go along.

B. Class Activities

Divide the class into two halves in order to play a game. Promise some sort of reward, attractive enough to motivate students to take the game seriously (no homework, candy bars, higher grades on some project, etc.). Deliberately give as few rules as possible so that ambiguous situations will develop. For example, in a "spelldown" do not explain in advance whether a speller can begin again if he gets stuck in the middle of a word. Thus, deliberately evoke a controversy by arbitrarily judging such ambiguities; for example, show favoritism to the girls by giving them "breaks."

To increase the potential for confusion and injustice, create an entirely new game for the class, giving no rules at all. Develop a situation in which the students are highly motivated to reach some specified goal, but do not know how that goal may be obtained. For example, pass out a piece of paper to each member of the class, and place a wastebasket on top of your desk. Then inform the class that the first person to make a missile of the paper and get it into the

basket will win a... be exempt from ... be permitted to... etc. Do not mention whether the paper can be crumpled or must be shaped in the form of a glider; do not mention whether students are allowed to rush to the basket or must remain in their seats. The students will recognize when the competition is over that it has been unfair, and that only those contests which have rules, understood and agreed upon before the start, can be just to all competitors.

If this technique seems to be an effective way of teaching the importance of rules, the class might enjoy devising their own individual games. Such an assignment should be given with an emphasis on structuring a contest wherein each contestant (or each team) would have an equal opportunity to win. A few of the student games might be played in class to test whether or not the competition was fair and just to all participants.

C. Application

After students have had a chance to reflect upon the "fairness" of the games they have played, class discussion can be expanded to more important, external games. For example, the current sport (depending upon the season) could be introduced and again the students could deal with the need for rules and the consequences of trying to compete without them. By further expanding the discussion, the teacher can introduce the topic of laws as merely the "rules of the game of life."

Lesson 3. Laws as Civilized Conflict: The Need for an Impartial Decision

A. Concept

Whenever arguments arise, it is better to have a neutral party as judge. This is commonly accepted. In addition there must be some way to place a controversy before a judge as well as persuade each person to abide by his decision. Moreover, a judge needs guidelines so that his decisions are not based upon mere hunches or guesses. It is because of our framework of rules—or laws—that we can expect an impartial and binding resolution to our conflicts.

B. Class Activities

Set up a specious argument between two students (or two groups of students). Choose an emotional issue that can be argued back and

forth without much chance of agreement. For example, select a boy and girl (or a panel of boys v. girls) to debate the question, "Who are smarter...stronger...more courageous...better able to endure pain..., etc.: boys or girls?" After the argument has become heated, interrupt and suggest that the debate be resolved by a third party. Deliberately select a member of the class who is prejudiced and whose decision will be biased. (In the case of the boys v. the girls, clearly no one in the class could be counted on to render an objective decision.)

Pre-arrange an argument between two students by casting them in their role in advance. For example, a quarrel over who owns a valuable book, pen, or jacket. Have them pretend to get very angry and finally agree that they need someone to judge the issue between them. (Try to select two boys or two girls of roughly the same size and ability, since if one is physically stronger or mentally more clever than the other, you have the makings of a different situation. See Lesson 4 which illustrates the need to equalize the weaker with the stronger in a conflict situation.) As in the first activity, promise the contestants that you will select a judge. Then appoint a member of the class who has an obvious bias—perhaps the closest friend to one of the contestants, or even that contestant himself! If possible, try to arrange it so that the final decision is the opposite of one that might be rendered by an objective judge.

C. Application

As students discuss the injustice of resolving disputes by these methods, they will probably raise some of the following points:

(a) the need to have fair judges
(b) the need for having a better way of choosing impartial judges
(c) the need for having a system for appealing to a "higher court" (in this case, a teacher or principal)
(d) the need for having general rules to guide the judge in making up his mind.

For further application, you might be able to raise some real school arguments or conflicts which illustrate these concepts. Then raise the notion that adults in society are also faced with the problem of resolving conflicts. Focus class attention on society's judges and discuss who they are and what they do. At the same time, discuss the formal arrangement—the framework of laws—in which these judges

are selected, in which these judges enforce the decisions they make (police and jails), and in which their decisions may be appealed to a higher level.

Lesson 4. Laws as a Civilized Conflict: Equalizing the Weak with the Strong

A. Concept

Law (as litigation) is a means of nonviolent conflict (fighting) which is superior to the old "trial-by-battle" of the Middle Ages. It is a civilized way to assert your rights against another party without injuring him physically or being so injured by him.

Law is a way of equalizing the weak with the strong. Instead of fighting in an alley, two parties "fight" vicariously in court through the skills of two lawyers. They contest under certain very carefully drawn rules which they and the judge understand. Thus, one party is not allowed to surprise the other. All this is much more civilized than physically fighting because it respects persons as persons.

B. Class Activity

Institute a situation in which one student is cast in the role of a strong...tough...clever...or well armed person and a second student is cast in the role of one who is weak...blind...retarded...or crippled. In a pre-arranged argument, have each student assert his rights against the other. Make it obvious that one individual would be clearly superior to the other in the event of a physical contest.

For examples:

(a) a 90-pound freshman who buys a motorcycle from a senior tackle on the football team and discovers he has been tricked into paying for a defective motor.

(b) a girl who has been promised $2.50 per hour for babysitting duties only to discover that the returning parents refuse to pay more than $1.25.

(c) an inner-city gang who force elementary students to hand over their lunch allowance each day as protection money.

(d) a weightlifter who claims that the ring he sees a junior high student wearing was stolen from his locker and demands that it be returned.

Enact the argument to the point where a fight is about to break out. Then ask the class to consider what they would do if:

(a) they were the likely loser; if they were the likely winner

(b) this argument took place in a lonely wilderness

(c) they were a police officer coming upon the scene of this argument.

Raise the question of whether or not there should be a better way than violence for resolving conflict. Have each member of the class consider how he or she would arrange it.

C. Application

Have students reflect upon the way in which conflicts are resolved within the school. Then go on to the larger area of sports with their emphasis on familiar rules which are interpreted by referees and umpires. Finally, note how adults go through the conflict-resolving process by means of laws and courts. It might be useful here to bring in a lawyer to discuss this concept with the class.

Lesson 5. Law as a Means of Directing Bothersome People Not To Annoy Others

A. Concept

To protect citizens against selfish people who don't care how much they annoy others, society has empowered the courts to "enjoin"—by means of an "injunction"—certain kinds of socially damaging conduct, usually called a "nuisance." This method protects the weak against the strong; at the same time, it also serves to protect the strong by making sure that the "injunction" which limits their behavior is very specific and carefully drawn up.

B. Class Activities

Discussion: There are a number of times in our lives when the thoughtless or irresponsible behavior of others becomes a nuisance. Ask the class to give examples from their own experience of situations in which they were bothered by other people. Students may recall times when they were:

(a) disturbed by a gang of rowdies while trying to watch a movie at the theater

(b) disturbed by a noisy record player or loud party while trying to sleep at night

(c) annoyed by someone practicing the piano while trying to watch a favorite TV program

(d) distracted by the noisy gossip at the next table while trying to study for a test in study hall.

Ask the students what they would do in such a situation.

Presumably, they would first try to obtain some kind of voluntary cooperation from the offenders. Rational persuasion and good will are usually sufficient to bring about a satisfactory agreement. But what if cooperation breaks down? What can be done to turn down the volume of a record player or quiet the boisterous voices at the movies? Of course, if one is particularly strong, one could "persuade" the offenders that it would be in their own best interests if they would "cease and desist." But the use of force is risky business and, for the most part, not a viable alternative for most of us.

One final course of action does exist, however, before the innocent victim sits down to endure the discomfort. Young people can complain to a teacher, a principal, or a parent to intervene on their behalf. If the complaint is justified, this "higher authority" will bring the power of his position to see that the nuisance is stopped.

Activity: Expand the discussion to include realistic adult nuisances which occur in the community. Your students may wish to add from their own experiences to the list below:

(a) Disturbance caused by neighbors who insist on playing their stereo at all hours of the night and prevent you from getting sleep.

(b) Disturbance caused by a neighbor who runs his power lawn-mower at odd hours of the night and interferes with your favorite TV programs.

(c) Annoyance caused by a neighbor's dog who has the habit of running loose and digging up the flowers in your garden.

(d) Disturbance caused by the bachelor across the street who works the night shift and then holds drunken parties until 6 or 7 in the morning.

(e) Frustration caused by your new neighbors who are turning their fine lawn into a used car lot and ruining the beauty (not to mention the value) of the street.

(f) Annoyance caused by the teenage boys who flock to the home of your neighbor's daughter; their hot rod engines impress the young lady, but keep the baby awake.

Assign students the various roles of "innocent victim," and ask them to simulate the ways in which the law can be used to remove the source of annoyance. This can be done through the preparation of a written "complaint." When such a complaint has been presented in court and signed by a judge, a citizen then has the authority of the law on his side in insisting that the nuisance be removed or silenced.

However, before a complaint will be signed by a judge, he must be convinced that it is reasonable. To ensure this, each complaint must meet three rigid criteria. It must be:

(a) reasonable,

(b) complete—containing no loopholes,

(c) enforceable.

Have students prepare their complaints on a half sheet of paper, something along the lines of the following example:

"You are hereby ordered not to play your record player so loud that the words of a song can be heard 20 feet outside of the window; nor at all after 10 P.M. nor before 8 A.M., etc."

When students have finished writing, let them present their complaints in court. With you or another student acting as judge, analyze each complaint to ensure that it is reasonable and properly written. A drama may be devised by assigning someone to the role of "offending party." Thus, the two parties—with their lawyers—can come before the judge and argue the merits of the complaint.

C. Implications

Discuss real or realistic situations in which students have been "enjoined" by teachers, coaches, parents, or judges. Keep the discussion as close to the students' own experience as possible. It is also important to stress that only when cooperation breaks down is outside power needed—and even then, the nuisance-maker is entitled to explain his conduct, and not be limited in his actions any more than is absolutely necessary. It would be helpful to invite a judge who has had some Equity Court experience to supplement the discussion with practical court cases.

Lesson 6. Law as Reasonable Rules of General Social Living

A. Concept

"Tort Law" deals with the wrongs we can do to each other that are not so grave as to be called "crimes" (usually), but which do nonetheless harm other people. Society itself does not punish these offenders, but it does hold out a standard of reasonableness that they must meet in their dealings with society—or be liable for damages; that is, liable to pay the individual who is injured. The possibility of a lawsuit by an aggrieved party often motivates careless or self-assertive people to respect others a little more.

B. Class Activities

Discussion: Several examples of "torts" are found in the three illustrations given below. In each case, one or more teenagers have gone beyond the standards of reasonable behavior and have harmed

another member of society. As the class examines each illustration, they should be able to think of adult situations which are of a similar nature.

Pat is driving her car negligently. While she excitedly discusses the forthcoming cheerleading tryouts with her friends in the back seat, she runs a red light and hits another car. The other driver, Principal Barnett, is not hurt but his car has suffered major damage from the broadside collision. Pat is guilty of negligence.

Did Pat act reasonably?

What standards of behavior does the law require of Pat in this situation?

What if it had been Principal Barnett who had gone through the red light? If Pat had hit him because she, too, was driving negligently, who should be required to pay the damages? Who do you think should decide?

After missing the afternoon bus on his first day of school, freshman Bill Thompson is greeted by three large seniors in the empty halls. When he is told that all freshman must be "initiated," he has no choice but to accompany the larger boys to the school basement. Here Bill is locked in an old broom closet. Once the echoes of laughter have faded away, Bill is a prisoner in a vacant school. It is not until six hours later that a night watchman hears his pounding and releases him. This is a tort of false imprisonment.

Could the "harm" inflicted on Bill have been serious? Explain.

If Bill had been charged for missing a dental appointment, could the seniors be held financially responsible?

John is one of the few starting sophomores on the varsity football team. In making the team, he replaced a senior by the name of Randy who had played during the previous season. Randy, believing that he is the better player, feels cheated. Out of spite, he starts a rumor that John has been sneaking out and drinking late at night during the week. Word of this training infraction spreads quickly until even the coach hears the lie.

As a result, John is put off the team. In addition, he is snubbed by his fellow teammates who feel he has let them down. Randy has harmed John's reputation. This is a tort of defamation.

- How important is one's reputation? How important is reputation to a politician (e.g., Thomas Eagleton)? to a teacher? to a minister or to a pcliceman?

- Is it difficult to correct a bad reputation once it is established? What would you judge the "damages" to be in this case?

C. Implications

In summarizing each case, students should deal with certain questions basic to tort law:

1. How great was the "harm"?

2. In what way can the harm be corrected?

   Is it possible to put the innocent party back to his original position? That is, back to the place where he was before he was harmed?

3. Decide what the standards or "norms" or reasonable behavior should be in each of the three cases.

4. Decide whether the departure from the norm was "grave" or "slight."

   Was the tort deliberate and intentional, or was it the result of negligence?

   Did the harmed party help to bring about the harm himself by his own negligence?

5. Who should decide whether the departure from the norm was grave or slight?

6. The "damages"—the amount the culprit has to pay to the injured party—depends upon how much that party was harmed, and on the degree to which the guilty party departed from the standards of reasonable behavior. What would you judge the damages to be in these three cases?

It would be very helpful to invite an attorney who pleads or defends auto accidents to talk to the class about concrete cases and to answer their questions.

Lesson 7. Law Provides a Framework in Which Private Parties Can Make "Laws" or Contracts with Confidence

A. Concept

A civilized society needs a way in which people can enter into agreements that they believe are mutually advantageous and have the confidence that the other promisor will perform. Otherwise, the risks would be so high that few would venture to invest their money or time.

An advanced society needs division of labor. We can't all be experts in everything. For example, the medical doctor usually doesn't have the time or the skill to fix the air conditioner; nor the teacher to repair his or her car.

It is necessary, therefore, to have a way to "trade" with each other one skill—or the money it will bring—in exchange for another. We do this by contract law, with the confidence that a freely entered, fair contract will be enforced, even if the other party "breaches," that is, tries to pull out without doing what he promised.

B. Class Activity

Discussion: Contracts are made when two parties agree on what they wish to exchange. One person pays the money; the other must deliver the article or the service. You must have an offer and an acceptance before you can have a contract.

> Have the students discuss the "contracts" which they (or their parents) entered into during the past year. Perhaps the teacher could list on the blackboard the variety of contracts that were made.

Students will probably be surprised that eating in a restaurant or getting a haircut involves a contract. Contracts do not necessarily have to be in writing. (State laws vary in regard to which laws must be in writing before they are binding.) Therefore, getting on a bus or buying a hamburger involve implied contracts which can be enforced in the courts.

"Breach" and "default" mean a failure to perform. If you promise to pay $5 down, and pay $2 per week for the purchase of a transistor radio, and you skip a payment, you are in default. If you change your mind and decide you don't want the radio, or for any other reason refuse to pay, the owner can take you to court and see that the agreement is enforced. On the other hand, if you agree to sell a radio and then refuse to deliver it, you have "breached" your agreement. In both cases, you have broken your promise and can be sued by the other party in the contract.

Activity: Now that the students have a better idea of the extent to which we all enter into various agreements, ask them to make their own list of the "contracts" which they entered into during the course of one day. Such things as food, clothing, books, transportation, etc., should be considered.

When they are finished, ask the class to divide their list into two categories: in one category, have them place those agreements in which they paid in advance for a particular item or service; in the other, those agreements in which a service or product was delivered in advance of payment (or in exchange for a promise of payment at a later date).

- If there had been no "contract law" these agreements might have been too risky for either the student or the merchant. Without the protection of law, ask the students which agreements they might have avoided. What agreements might the merchant have avoided?

C. Application

The teacher might point out that in all states, minors are given special privileges under the law of contract. This is to prevent experienced adults from taking advantage of a boy or girl. Thus under certain circumstances, the law will permit a minor to get out of a contract. But this is a side issue. Class discussion should focus on the importance of contract law in general. What would it be like if neither the purchaser nor the seller could be certain the other party would keep his promise? Would students dare to pay in advance for the things they need? Could merchants, doctors, plumbers, etc., risk selling their goods and services on credit? How would common agreements, such as eating in a restaurant or riding on a bus, become risky for one of the two parties?

Lesson 8. Law as a Means of Protecting Innocent People from Others Who Would Harm Them

A. Concept

Every nation in the world has had criminal laws. Every society in history has said to individuals in it: "There are certain actions you must not do, because they harm others; if you do insist on doing them, we will have to punish you."

Criminal laws increase freedom and liberty for all innocent people by giving them some safety and security against those who would take their property (stealing: theft, burglary, armed robbery) or hurt them personally (personal violence: murder, manslaughter, kidnapping, battery).

Persons who obey the criminal laws are happier because they know that they are doing the right thing and that the police and the judges will be on their side. Persons who disobey the criminal laws are unhappy because they are taking risks during the commission of the crime, because the police and judges try to catch them and put them in jail, and because, once one is known as a criminal, other people tend not to trust him. Also, there is often an internal sanction at work: their consciences usually bother them and they feel guilty.

B. Class Activities

1. Have students write a short essay on the topic, "What if there were no laws?"

2. Each school has its own particular problem with such things as cheating, stealing, vandalism, etc. Have the class prepare "laws" which deal with these local problems. Such laws should be clearly written and contain punishments which are appropriate.

3. Have students investigate several "real world" criminal laws and report back to the class defining the crimes and giving the punishments which can be imposed on anyone convicted of a violation.

C. Application

The foregoing blends into the remainder of the unit on Youth and the Law.

CHAPTER 4

Two Special Problems: Shoplifting and Vandalism

Text pages 60-85

In this chapter students are presented with a fairly detailed study of two specific teenage offenses: shoplifting and vandalism.

These two crimes have been selected not only because they pose serious social problems, but also because they involve temptations that are a part of the experience, either directly or indirectly, of every adolescent. Most boys have had adventures that resulted in some form of vandalism; and most girls have either participated in shoplifting activities themselves or know of classmates who have. It is common for junior high students to speak eagerly—sometimes with a bit of pride—about their past misbehavior. The teacher's challenge in this chapter is to capitalize on this interest level. Discussion and interaction techniques should help to bring about a positive change in the behavior of the students.

The first half of Chapter 4 deals with vandalism; the second half with shoplifting. Although the approach varies, both sections attempt to take into account three important aspects of adolescent crime: (1) personal causes; (2) human consequences; and (3) legal consequences.

Text Outline

VANDALISM
- Some Apparent Causes of Vandalism
- Fun and Vandalism
- Anger and Vandalism
- Group Pressure
- Personal Consequences of Vandalism
- Legal Consequences of Vandalism

SHOPLIFTING
- Shoplifting Is a Crime
- A Survey of Shoplifting
- What Are the Facts
- "Gains" in Shoplifting
- Losses and Risks

CONCEPTS	OBJECTIVES Questions to be developed*
 Understanding oneself and others: the nature of adolescence	What are some of the basic needs of active young people? What are some constructive activities which can satisfy these needs?
	How important is "peer pressure" in teenage behavior?
	What are some of the basic causes for juvenile vandalism?
The nature and importance of values	In what ways can vandalism harm innocent people? What are some of the physical, emotional, financial, and aesthetic consequences that should be kept in mind?
 Social harmony	What are some of the ways in which local vandalism might be reduced?
Social disharmony	What are some of the recent trends and relationships in shoplifting? How are merchants attempting to prevent such stealing?

Behavioral Indications: *Discussion of these questions and problems will show whether the students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used as a basis for review and evaluation.

Political obligation

What are the important consequences of having a court record?

What does the law (Ohio Code) say about shoplifting? —about the liability for vandalism?

BACKGROUND INFORMATION

VANDALISM

In Vandalism: The Not-So-Senseless Crime, Arnold Madison identifies three different types of vandalism:

1. erosive vandalism: Vandalism characterized by thoughtless, "no care" attitudes toward public property. Sociologists and psychologists speculate that these attitudes may be caused by the sense of depersonalization or alienation that is common in advanced technological societies. When individuals no longer feel a part of the society where they live, they cease to take responsibility for it. A classic example of this type of vandalism is the extensive defacement of the buses and subways of New York City.

2. fun vandalism: Vandalism involving the wanton destruction of property stemming from a desire for excitement or adventure. Some psychologists and criminologists believe that the antidote for this type of senseless vandalism is more recreational facilities. Such facilities, they argue, provide a socially acceptable outlet for aggression, excitement and a sense of adventure. More challenge in the area of school studies might also deflect exuberant energy into constructive channels.

3. angry vandalism: Vandalism that is often the expression of the frustration of young people who are seeking a way to strike back or get even. (The fact that the greatest incidence of vandalism is directed toward public schools should not be surprising.) Often the immediate cause of "angry vandalism" is not clear. A boy who smashes a car window may be angry at his parents, his history teacher, or his next-door neighbor. On the other hand, he may be frustrated because he can't get a high quality education or a satisfying job. Anger and frustration of this type may be expressed in acts of vandalism aimed at no one in particular but at society in general.

SHOPLIFTING

Stealing is the most common crime in the United States today. It is estimated that from 60 to 90 per cent of all crimes of theft are committed by young people under the age of 25.

There are two reasons for selecting shoplifting as representative of the overall problem of theft. The first is that shoplifting is very common among teenagers. Reliable statistics are hard to come by, but anywhere from 50 to 80 per cent of all shoplifters are juveniles. Furthermore, the frequency of shoplifting reflects a growing assumption on the part of many teenagers that some forms of stealing are not very serious. Some naively believe that "ripping off" a giant department store is not very serious since the stores are gouging the public and making excessive profits.

APPROACHES TO THE PROBLEM

1. The "causal approach" is particularly emphasized in the first section on vandalism. Students should realize that their behavior is the result of many, many influences. A better understanding of the forces that motivate them should assist young people in finding alternative and more constructive ways of behaving.

2. An effort is made in both sections to personalize the consequences of breaking the law. This approach is particularly useful in a discussion of vandalism, where it is relatively easy to "personalize the victim." In both the vandalism and shoplifting examples, the teacher should challenge the class to consider the consequences of their actions on the victims.

3. Finally, the chapter deals with some of the legal consequences of breaking the law. A scare approach should be avoided, but students should understand what legal consequences and punishments are likely in cases of lawbreaking. The shoplifter may not feel that he is doing anything seriously wrong in taking a few pieces of jewelry from a department store. Yet store owners are becoming increasingly determined to detect and prosecute thieves.* Students should know that shoplifting is a crime, and that an arrest and consequent court record can have serious and long-lasting consequences. (Caution: It would be a mistake for teachers to overexaggerate the legal penalties of delinquency. Students are very quick to notice any discrepancies between what they hear in class and what they see in the "real" world. Even today, many courts are lenient in the treatment of juvenile offenders. Whether this mild climate of punishment will last is another question.)

* See the remarks on "Theories of Penology" on pp. 54-55 above.

THE PARADOX OF PUBLIC AND CORPORATIVE PROPERTY

Attention should once again be drawn to the paradox that people often feel less respect for the property of the state (public property) and for the property of large corporations (corporate property) than they do for the property of private persons. This problem was noted long ago by Aristotle, in his criticism of the communist society in Plato's Republic. It is still a major problem in the Soviet Union and other contemporary communist states, where the laws against damaging state property ("sabotage") are extremely severe.

The last point is an interesting example of the deterrent theory of punishment: that the greater the temptation or tendency to commit a certain crime, the more severe, swift, and exemplary should be the punishment for that crime. Thus, in the USSR, the punishment for damaging public property is considerably heavier than for theft of private goods.

Even in the United States we find similar "excessive" laws. The penalty fot stealing a ballpoint pen provided for public use in a post office may be a $500 fine. Whether this cruel and unusual punishment is ever levied, and whether it is an adequate deterrent against the filching of a ten-cent ballpoint pen, would be interesting topics for research.

Another example of double-standard justice may be seen in the award of damages by juries in automobile injuries. Huge damages are often awarded, presumably on the assumption that insurance corporations might as well be squeezed for all that can be gotten out of them, for the sake of the pathetic individual who has been injured. The net effect of such awards is not to soak the corporations, but to push up insurance premiums for every driver of an automobile.

If such a paradoxical view of justice animates many adults, we need not be surprised that youngsters cannot perceive that damaging a public school results in the end only in higher taxes or rents for their parents and reduced facilities for themselves. We are up against a problem not of human wickedness, but of sheer ignorance. Much of the problem of Youth and the Law is in the cognitive, not the affective domain.

NOTES ON QUESTIONS

Page 60: ▶ One easy-to-handle definition of vandalism is "the deliberate and unreasonable destruction or damage to public or private property." While accidental or thoughtless vandalism is a problem, this chapter is concerned mainly with vandalistic behavior that is deliberate and willful.

★ Students investigating the origins of the term "vandal" will discover that the Vandals were one of the most ruthless of the East Germanic barbarian invaders in the fifth and sixth centuries. They ravaged Gaul (France), Spain, and North Africa and sacked Rome. They were notorious for destroying important works of art and literature of the Roman Empire.

Page 62: ● The series of questions on page 62 introduces the subject of vandalism by asking the students to answer from their own experiences. Teachers may want to use newspaper accounts and direct experience of students to raise important problems and propose possible solutions.

There will probably be a number of local instances of vandalism from which the class can draw concrete examples. The teacher should be on the lookout for ways to use these direct experiences in order to emphasize that:

1. vandalism can result from different types of behavior, including thoughtlessness, recklessness, mischief, and deliberate destruction.

2. vandalism varies in degrees of seriousness—from littering in the street to breaking expensive equipment in a chemistry lab.

3. vandalism often produces unpleasant consequences which are not immediately visible.

Page 63: ● Reckless, thoughtless vandalism usually declines as youngsters grow older. Many of the aimless types of vandalism are, therefore, abandoned as young people either become responsible citizens, or become attracted to more ingenious and more serious types of lawbreaking.

Page 65: ● Many young people are not aware of the cost of things. Some sociologists argue that one reason for this is that too few young people are able to obtain any type of purposeful work. Therefore, adolescents live a "waiting period," a kind of "limbo," between the security of childhood and the responsibilities of adulthood. As a result, many young people have no real employment experience and, correspondingly, no real appreciation for the value of work. They "take for granted" the things that are not earned by any effort on their part.

There are many who would argue in favor of punishment "in kind." That is, requiring that the culprits work toward repairing the damage they have done. It might be a valuable lesson for vandals to experience directly the amount of work necessary to pay for a new window and/or the labor and time necessary to replace the broken one.

● This raises an interesting question about responsibility. To what extent should parents be responsible for the activities of their children? According to Ohio State laws, parents can be held liable in a civil suit to compensate for the damages caused by their children. (See page 74 in the student text.) However, there is a financial limit on this compensation of $2,000. A young vandal might, consciously or subconsciously, destroy property as a means of punishing his parents.

● Many communities have spent considerable time, money, and effort to provide recreational activities for the young. They have organized dances, bowling leagues, ping pong tournaments, ice skating parties, etc. While organized games have on the whole been successful, there is a need for activities which are informal and nonstructured. Many youths merely seek a place where they can gather and "rap." They prefer to let activities and organization develop from within, and prefer adult "counselors" rather than adult "directors." More challenging school curricula should also be considered.

Page 67: ● Teenagers are usually quite eager to talk about (or complain about) the facilities and activities available to them in the community. It might be useful for the teacher to guide class discussion stemming from the two questions on page 67 around an inventory of community resources and the degree to which

these resources meet the needs and desires of its young people.

- Suggested discussion questions: What do the students feel their community should provide that is not already available? Why? How valuable are the programs/facilities that are now in use? How much would new facilities cost?

Page 68:

- During interviews with young "delinquents" in the Cleveland suburb where this incident of vandalism took place, the interviewer became aware of the extent to which these young people lacked self-esteem. They continually referred to themselves as the "outs"—clearly distinguishable from the "ins" by dress standards, hair length, school performance, and general behavior. One boy put it simply:

  > "Nobody likes us longhairs. Nobody in this dumb place wants us hanging around. They always tell us to scram."

  Young people who lack esteem and have a difficult time developing a sense of self-respect also find it difficult to value others in the community.

  In the particular case under question, the "outs" felt that, even though the new recreation center was being built for teenagers, <u>they</u> would not be welcome.

Page 69:

- The two questions on page 69 are intended either for class discussion or for individual reflection. All of us at one time or another have faced the conflict between what we know to be right and wrong and a loyalty to (or fear of) peer group opinion.

- Most adolescents are unsure of themselves and seek security in conformity. Thus, they are particularly vulnerable to this kind of pressure. Teachers may wish to pursue this line of inquiry by discussing peer pressure, the urge to conform, and the courage that is required for a young person to stand alone.

Page 70:
<u>caption</u>

See Notes on Questions for page 65.

Page 71:

- Telephone companies must not only pay for new equipment, but also for the added labor costs of repairing damaged pay phones. These costs eventually are passed along to the consumer. One must also consider the human costs of inconvenience and delay. This price could be especially high if a vandalized telephone delayed someone from reaching emergency police, fire, or ambulance services.

- In purely financial terms, there are a great many "indirect" consequences of school vandalism. Costs of repair, protective security alarms and fence systems, extra labor and maintenance,and higher insurance rates are but a few. If a school, because of increased costs, must make do with old textbooks, eliminate school counselors, and cut back physical education programs, all students will suffer.

  Other adverse effects may result. In order to prevent more vandalism, school playgrounds and gym facilities may be closed to after-school activities. Students may be able to think of other consequences. Many new schools today are constructed without windows. It is not hard to see why.

Page 72:

- Among other consequences, there is the possibility that without the mindless destruction, the experiments might have led to an important breakthrough in cancer research.

- It might be valuable for students to spend time with some actual dollar and cents figures. By estimating the price of individual items, students may come to appreciate the comprehensive financial loss of this type of vandalism. The big losers are, of course, the students themselves.

Page 73:

- Most young boys who throw rocks or snowballs at passing vehicles consider it a relatively harmless prank. Yet there are times when it can be extremely dangerous. The young vandal, in all probability, has never sat beside a window which has been hit by a flying object. Even if no injury results, the experience can be a frightening one. Some people have been taken ill by the shock. For a dirver, there is the added possibility that the distraction could lead to an accident.

- Students should consider injuries to passengers and operators, added costs for damaged windows and protective fences along overpasses, higher insurance rates, etc.

- It is very important for students to realize that the official "financial" damage is not the only accounting of the cost of vandalism. Each member of the class can undoubtedly think of family possessions—pictures, perhaps—which are of no value to anyone but the owners. The damage or destruction of such irreplaceable objects would hurt persons incalculably.

- It is unlikely that the boys would have been so reckless or unfeeling had a member of their own family or a close friend been buried there.

Page 74:

- State taxpayers will eventually pay the price of this vandalism. However, this cost would be small in comparison to a death or injury which might result from an auto accident.

- All human beings who enjoy beauty and art suffered a loss when Rodin's The Thinker was damaged. Not only had the present generation been deprived of this art treasure, but all succeeding generations to come. Another example of this type of vandalism occurred on May 21, 1972, when a madman seriously damaged Michelangelo's Pietà.

Page 75: caption

Refer to the previous note for page 74.

Page 76:

- The term "liability" means "bound by law to make good the loss or damage that has occurred." Put simply, Statute 3109.09 states that the vistims of deliberate juvenile vandalism are entitled to sue for compensation from the parents of the offenders in a civil court of law. It is not a prerequisite that the offender be found "delinquent" in juvenile court for such a civil suit to be initiated. However, there is a $2,000 limit on the amount of damages that the victims can recover.

- Encourage discussion. Points of view will vary.

- Increasing trends in both the amount and seriousness of vandalism have forced the Ohio legislature to raise the legal liability of parents from $800 to a $2,000 limit. Inflation, no doubt, played a part, too.

- Parents are likely to suffer in several ways: financial loss, shame and disgrace from neighbors and friends, and the hurt and disappointment from the knowledge that their children have caused injury to themselves and to innocent people.

- Intended for discussion and reflection.

Page 81:
- Some may argue that the six points on pages 80 and 81 will give students "ideas" and perhaps result in increased shoplifting. This is doubtful. Young people are certainly aware of the "advantages" of stealing and the ways it can be rationalized. On the other hand, there is much to be gained by discussing the problem openly and frankly. By realistically comparing advantages and disadvantages of shoplifting, students should realize for themselves why it makes good sense to pay for the things you need.

Page 84:
- Intended to stimulate class discussion.

Page 85:
- Intended to stimulate class discussion. One point not mentioned is the effect on one's own character and self-respect of an immoral or stupid action.

- There is one disadvantage to shoplifting—and every other crime—which is sometimes overlooked in books about crime. This is the public disgrace of being caught and classified as a "criminal." It doesn't take long for "bad news" to spread throughout a community, and a poor reputation, once established, is very difficult to live down.

ACTIVITIES

VANDALISM

Inquiry—One good way to introduce this chapter might be to show the class a number of pictures or slides of various acts of vandalism.

After studying the pictures, students should be asked to think about the following questions:

(a) How do you feel when you see something like this?
(b) Who do you think could have done this?
(c) Why might some people act in this way?
(d) What are the effects of such acts of destruction?
...on innocent people?
...on the vandals?
...on society?
(e) What are some ways in which vandalism of this type might be prevented?

One such vandalism slide set is available on loan from the Educational Research Council Social Science Department.

Display—During their study, students should be encouraged to search for (or create) pictures, drawings, and cartoons that depict some of the destruction caused by vandals. These pictures could be arranged for display in the classroom or around the school building. Especially effective would be a series of photographs taken of familiar school and community scenes.

Panel—Perhaps students may want to arrange and conduct a panel discussion on possible causes and feelings which might lead to vandalism. Suggested topics are:

(a) Peer group pressure
(b) Anger and frustration
(c) Boredom
(d) Lack of a sense of self-esteem
(e) Affluence and permissiveness
(f) Inconsistencies of adults, police, or courts
(g) Lack of respect for oneself and others

Small Group—Divide the class into small groups and give them the following list of questions for discussion:

(a) What can be done to prevent vandalism?
(b) What possible alternatives are available when a person feels like damaging other people's property?
(c) Can these alternatives satisfy his needs and feelings or will they continue to frustrate him?

(d) What would your group suggest as possible projects to help prevent vandalism?

SHOPLIFTING

Guest Speaker—Invite a store manager or security director to discuss the consequences of shoplifting from the store's point of view. From hearing a guest speaker of this type students should acquire a better appreciation of the cumulative affect of petty theft and how it becomes harmful to each and every shopper. Among the topics which could be raised are:

(a) the total cost of shoplifting to a large store
(b) the effect of shoplifting on prices
(c) the efforts being taken to detect and apprehend shoplifters
(d) the policy being used in regard to those shoplifters who are apprehended.

As a case in point, Mr. Julian McGill, Corporate Security Director for Cleveland's Higbee department stores, has been quite active in speaking to young people about the consequences of shoplifting for both shoplifter and department store.

Field Trip—A field trip to a nearby department store might be arranged. A number of large stores permit groups to go behind the scenes and observe how TV monitors and other security devices are used to detect shoplifters.

Survey—In order to find out more about the habits and attitudes of young people in your area, a few students might conduct a questionnaire survey on shoplifting among members of the student body. The results could be compared to national averages and trends (as reported in the student text) and used as a basis for a discussion of local problems. The results should prove useful to a number of interested community leaders as well as the students themselves.

Writing—A questionnaire might easily be followed by the publication of a Shoplifting Booklet, written by the students and distributed throughout the school. The book could be cleverly illustrated with drawings and cartoons which emphasize the gains and risks of shoplifting. One good example of such a booklet is Fingers, prepared by the student council of Parma Senior High School, Parma, Ohio.

The Law and Penalties—Using the outline on "Theories of Penology" on pp. 54-55, above, initiate an inquiry into the purpose and effectiveness of penalties for crime. Some students might make a historical inquiry into the penal systems of America from colonial times on. Less than two hundred years ago, shoplifting in England might have lead to hanging or transportation to Australian penal colonies. Earlier still, it might have led to the amputation of a hand, or flogging, and branding with the letter M (for "malefactor").

CHAPTER 5

Some Causes of Delinquency: Three Case Studies

Text pages 87-107

The purpose of this chapter is to help students make some generalizations about the major causes of delinquency. For example, are there common underlying causes in the motives of inner-city teenagers who rob a liquor store and the motives of adolescents from affluent suburbs who beat up on drunks "just for kicks"?

To help students in the search for understanding, three case studies have been prepared. The first case study involves a young Mexican boy from a traditional, rural village; the second, a young lad from the ghetto of a large city; the third, an affluent teenager from the suburban North Shore of Chicago.

The case studies should provide students with an opportunity to determine how various factors work together to contribute to delinquent (and nondelinquent) behavior.

Following the case studies, Chapter 5 presents a brief historical survey of "growing up" in America. By comparing the past with the present, students will understand some of the unprecedented challenges of adolescence today, when the teenager faces frustrations, restrictions, and pressures never experienced by his rural, agrarian ancestors.

Text Outline

A LOOK AT LIFE IN A RURAL VILLAGE

- Consider
- Discuss

A LOOK AT LIFE IN THE INNER CITY

- Consider
- Discuss

SCANDAL IN THE SUBURBS

- Consider
- Discuss

TIMES PAST AND PRESENT

- The Need for Physical Activity
- The Need for Privacy
- The Importance of Self-Respect

SUMMING UP

CONCEPTS	OBJECTIVES Questions to be developed*
Understanding oneself and others: The nature of adolescence	What is "self-respect"? What contributes to a healthy self-image? How can the need to demonstrate and prove masculinity lead to delinquent behavior among teenage boys?
The standard of living	To what extent are juvenile crimes the result of poverty? — of affluence? What is the relationship among schooling, unemployment, and delinquency?
History as a clue to the present	What challenges and pressures face adolescents today that were not present 100 years ago?
The family	What elements of family living are present in a healthy childhood environment? Describe a "broken home." What is an "extended family"? What part can relatives play in the child-rearing process? What effect does rapid mobility have on growing children? What about changing values?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used as a basis for review and evaluation.

CONCEPTS	OBJECTIVES Questions to be developed*
Education and socialization	Why is a long period of formal education necessary today in the United States? What are the advantages and disadvantages of such extended schooling?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used as a basis for review and evaluation.

BACKGROUND INFORMATION

A PEDAGOGIC CAUTION

Most of this "background information" is unsuited for direct use with a class of young adolescents. Yet the teacher may find it diagnostically useful. The teacher may also use his or her own discretion on the matter of how much to share with the class. He may, indeed, prefer to share the ideas with parents.

For example: some of the possible causes of delinquency are listed as: a broken home, a fatherless childhood, a working mother, excessive family mobility, the undesirable length of formal education, etc. In a normal classroom there will be some youngsters whose situation is characterized by one or more of these factors. Yet the youngster is completely powerless to alter the situation one iota. What compounds the problem is that some social scientists are given to predict that 75 or 85 per cent of children with a certain type of background will end up as delinquents. Whatever the exact figures may be, youngsters can easily get the idea that they are predestined to be delinquents. The result may easily be unhealthy brooding, loss of hope, or complete despondency. Such ideas might also suggest that a young person conclude that he is predestined to delinquency because his life is characterized by a combination of negative social factors.

Therefore, it seems wise to stress the positive rather than have students concentrate merely on the negative social influences that are often said to produce delinquency. In connection with the recommendation to "accentuate the positive," teachers should remember that some of the most successful men and women have been persons who, by sheer personal effort, overcame childhood and youthful disadvantages like poverty, fatherlessness, drunken parents, painful and tedious educational experiences, ill health, and so on. In fact, a certain amount of frustration and suffering in youth seems essential to the development of a strong and purposeful character. The "poor little spoiled rich boy" is not a figment of sentimental imagination. The fairy godmother in Thackeray's children's classic, The Rose and the Ring, having become disgusted with the results of presenting her godchildren with beauty and wealth and all the rest of the gifts that fairy godmothers give, endows Rosalba and Giglio with "a little misfortune." The little misfortune consists in having their inheritances usurped, losing their parents, being neglected, and, in the case of Rosalba, having to make her living as a lady's maid. The formula of the fairy godmother is, however, highly successful in the end.

Teachers should beware, too, of troubling youngsters with the suggestion that formal education in our time and country may by its unprecedented length cause delinquency in young people who are not cut out for academic careers. Whatever truth there may be in this point of view, the 13-year-old child is completely powerless to alter the educational system. Compulsory school attendance is a problem that deserves serious attention, but not from the students themselves.

Finally, it must be remembered that all attempts to identify "causes" of delinquency are open to two objections:

1. they tend toward an unproven theory of <u>determinism</u> — usually environmental determinism, but sometimes genetic determinism and sometimes what might be called psychoanalytic determinism;

2. at best they are only statistical generalizations; the fact that 70 per cent of persons who have had a certain background behave in a certain way does not permit us to predict how any specific individual with that background will behave.

With these cautions, the following socio-psychological notes may prove helpful to teachers.

I. The Family Unit

Virtually all experts agree that a healthy family environment is the most crucial factor in preventing juvenile delinquency. Poverty, rapid change, educational failure—all can be overcome providing there is sufficient love and understanding, discipline and concern on the part of parents. The child of loving parents feels <u>needed</u> and thus is able to picture himself as important. At the same time, the child of a cohesive family feels <u>secure</u> and thus is able to face with confidence the challenges of growing up.

Two of the top researchers in the field of delinquency, Sheldon and Eleanor Glueck, found that they could be quite successful in predicting delinquency by looking at a child's home environment. Over a ten-year study period of 33 boys, these two Harvard criminologists were able to predict delinquent behavior with 85 per cent accuracy using the following five criteria:

(a) discipline of the father
(b) supervision of the mother

(c) affection by the father
(d) affection by the mother
(e) cohesiveness of the home

Two aspects of family life play an especially important role in the emotional security of a child. These deserve a brief mention. First is a "broken home" which physically or emotionally separates a mother and father; second is a "geographic mobility" which separates the family—parents and children—from their close relatives.

Broken Home—Many different studies have shown a high correlation between the unhappiness of parents and the delinquency of children. The New York Youth Board has a slogan which captures the whole idea:

"When Family Life Stops, Delinquency Starts"

Of course, the breakdown of the family need not necessarily be a physical "divorce." Any unhappy or unstable home is a "broken" home. Family discord can result in parent rejection and neglect. (The Gluecks' research indicates that the most important factor in the lives of many boys who become delinquent is their failure to win the affection of their fathers.) Intra-family squabbles undercut the respect that children have for their parents and lead to a breakdown of parental authority.

It should not be surprising that 50 per cent of the juveniles declared delinquent in the Cuyahoga County Juvenile Court in 1970 were from "fatherless" homes. When a household is female based, as is the case with 60 per cent of ghetto families, a young boy is likely to seek models from among his peers on the street.

Geographic Mobility—America is a country on the move. It is estimated that one out of every five Americans move to a new location every year.

Although this mobility affords new opportunities for adults, it has definite disadvantages for young people. A change in location often produces a condition of "rootlessness." No longer can grandparents, aunts, and uncles play the same role in the child's development and emotional well-being. As a result of this separation, a child has only his mother and father to fall back on in time of need. At the same time, the sanctions which an extended family provide are also missing, and consequently a youth has less motivation to be responsible for his actions.

II. The Delinquent Parent

"How To Raise Juvenile Delinquents"

The following is adapted from a brochure written by the Houston Police Department:

- A Guide for Parents: In order to raise a delinquent, you should:

  ... avoid the use of the word "wrong" in speaking to your child since it may give him a "guilt complex."

  ... laugh at him and make him think he is being cute when he picks bad or dirty words.

  ... praise your child in his presence to all neighbors and show how much smarter he is than the neighbors' children.

  ... pick up after your child: his books, his shoes, his clothes.

  ... quarrel frequently in his presence.

  ... give him all the spending money he wants and satisfy every desire he has for food, drink, etc.

  ... take the side of your child against policemen, teachers, and neighbors because they are all "prejudiced" against him.

  And when your child gets into real trouble, always defend yourself and say: "I never could do anything with him anyhow."[5]

It is very possible that much of the delinquency problem rests with "delinquent" parents and not with "delinquent" juveniles.

Role of the Parent—In traditional societies, the father was often an authoritarian figure who, with the support of his wife, administered discipline with a firm hand. As a result, children grew up with a clear if authoritarian understanding of the difference between "right" and "wrong."

The American father today, in contrast, is faced with a variety of roles he can assume: authoritarian, democratic, lenient, friendly, etc. Many fathers are uncertain about which role they should play—and not infrequently play more than one. This can lead to inconsistency in

discipline or affection and may lead directly to delinquent behavior on the part of the confused child.

Discipline—Studies have shown that almost all delinquents have been exposed to an extreme type of discipline—either too strict or too lenient. It is understandable why a child would rebel against parents who use cruel or excessive punishment. Yet it should also be understood that children will rebel against a lack of discipline. If parents fail to set standards for acceptable behavior, a child may interpret it as a lack of concern or interest.

Over-indulgence is a common characteristic of the "delinquent" parent. Instead of holding the line on discipline, some mothers and fathers try to purchase affection and popularity. They have interpreted "the giving of love" as "the giving of material possessions."

Over-protection is another characteristic of the delinquent parent. By over-protecting a boy or girl, the parent gives the child the impression that he is someone special—not subject to the same rules as other people. This tendency can be observed when parents, during confrontations with teachers or police, become defensive and take the part of their child regardless of the circumstances. Law enforcement officers estimate that three out of five parents who come to headquarters will berate police for infringing upon the "rights" of young people. They also estimate that the children of those three parents will continue committing the same offenses.

Setting an Example—One final word about the delinquent parent. The example that a parent sets in the home is far more important than any lecture or sermon about the merits of proper behavior. Children are very much aware of what their parents "do." They understand what is going on when parents falsify income tax returns, fix traffic tickets, or pad expense accounts. The lesson learned is that what is "right" is what one can get away with.

III. Teenage Limbo

In the Middle Ages, there was no such phenomenon as the teenager. Nearly all children grew up and quickly became adults. Sons and daughters learned most of what they needed to know about life from their parents and as soon as they were old enough to be useful, they left childhood behind to assume grown-up responsibilities. Manual labor was necessary and young people were expected to work hard. As a result young people passed very quickly from childhood to adulthood.

Modern industrialized society has no need for youthful laborers. Child labor laws, compulsory school attendance, and a more than adequate labor force have in the post-industrial era combined to produce a new stage of growth between childhood and adulthood. This is the period of adolescence and it can be a frustrating and difficult stage of growth.

In the past, it is true, a very small percentage of youngsters had a longish period of adolescence. Children of the nobility or wealthy classes did not step from childhood into adult work and responsibilities. However, the adolescence of all persons was generally rigidly disciplined either at boarding school or by private tutors and trainers. There was little time or opportunity for drifting around or getting into mischief. Often, too, such young persons had a strong sense of purpose throughout their adolescence: they were going to be leaders, soldiers, merchants, scholars—persons with heavy adult responsibilities. Possibly there is a clue to our contemporary problems in the aristocratic education of the past.

As it is, however, our soceity has not coped very well with the phenomenon of prolonged adolescence for the whole population. The result is that many "teenagers" are caught in a limbo—neither child nor adult—neither offered the security and protection of childhood, nor granted the responsibilities and status of adulthood. With few opportunities for creative work and creative play, a number of boys and girls turn to delinquent activities to release frustrations and energies or to build identity and status.

IV. Unemployment

The fact that both Al Capone and Al Smith came out of the city slums in the 1920's is evidence that poverty, by itself, does not produce delinquency and crime. Yet the impoverished often turn to crime out of desperation. People steal, not so much because they are hungry, but because they come to believe that opportunities for prosperity have been unjustly denied them.

Unemployment is a very important factor in much urban juvenile delinquency. Statistics show that unemployment among young people entering the job market for the first time is 2 1/2 times greater than it is for adults. (This figure is much higher for black youths.) Altogether over one-third of the jobless Americans are young adults. It should not be surprising to learn that the age group with the highest rate of delinquency (age 16) is also the age with the highest rate of unemployment.

V. Public Schools

Today there are thousands of students who are literally wasting their time in our public schools: some because the curriculum is boring and mindless; others because they are not equipped intellectually to cope with instructional material. When a child with learning difficulties is not given special attention and is passed from one grade level to another according to a system of "social promotion," a cycle of deterioration and failure can set in. By the time junior high school is reached, a youngster who is behind in basic reading and mathematics skills inevitably finds failure in more of his courses. Non-reading, in fact, is an early indicator of future behavioral problems. The typical delinquent is two years behind his classmates in reading ability. Within a cycle of learning failure, a boy or girl may rebel in self-defense; either against the school itself, or against the society that makes schooling mandatory.

The schools may be to blame in other ways. The President's Task Force Report: Juvenile Delinquency and Youth Crime asserts:

> ... juvenile delinquency has roots in the fundamental failure of the schools to adapt to outside changes, and that so long as the failure persists, delinquency, as well as other school-related problems, will persist. [6]

At the age of sixteen, many students leave school. The national average for "dropping out" is between 30 and 40 per cent. For any dropouts, a failure to attain a high school diploma is a confirmation of "inferiority"—not only in their own eyes but in the eyes of society as well. Statistics reveal that juvenile delinquency is ten times higher among dropouts than among those who remain in school. In addition to being handicapped by a weakened self-image, the school dropout must also cope with the task of finding work in a job market already overflowing with unskilled labor. The combined correlation of school failure and unemployment with juvenile delinquency is very high.

VI. Delinquency Around the World: The Impact of Affluence

Students may be interested—possibly encouraged—to learn that juvenile delinquency is not an exclusively American phenomenon. In fact, once statistical differences are taken into account, there are several countries with delinquency problems as high, or higher, than our own. In England juvenile rowdies are called "teddy boys"; in Japan, "thunder-boys"; in France, "blousans noirs"; in Sweden, "raggare"; in Germany, "halbstarken"; and in Russia, "stilyagi."

What common characteristics can be found among the hoodlums of London, Paris, and Tokyo? What similarities exist in their backgrounds or in their environment which might offer insights into basic causes of juvenile delinquency? A study of crime around the world reveals two significant factors which have important implications for America. These are affluence and rapid change.

Affluence—There is a significant correlation between rising prosperity and juvenile crime. Although delinquency can be found throughout the entire world, it reaches special dimensions in affluent countries, especially those located in the West. Even within such countries, delinquency seems to fluctuate according to the current standard of living. In times of depression, delinquency drops; when propserity returns, juvenile crime rises.

Because of its relationship with affluence, delinquency is often seen as the inevitable consequence of progress. As one social planner from Japan said, juvenile delinquency

> ...is the price of progress...We want to catch up with the rest of the world, even if it means having juvenile delinquency. One pays for a higher standard of living. There is nothing for nothing in this world. And Japan, I want to tell you, is willing to pay the price. [7]

Rapid Social Change—When social change is rapid, as in the case of industrialization, the effect can be especially upsetting to the young. Surrounded by change on all sides, they find that the customs and traditions, the values and mores of adults no longer serve their needs. Young people become rootless. Those who are forced to move to a new environment are cut off from the extended family and traditional village. This separation is usually psychological as well as physical. Without the leadership and wisdom of the elder generation to guide them, teenagers must make their own way toward defining a meaningful life. Parents confused by different living patterns, unheard of leisure time, totally new economic opportunities, and tremendous mobility, can no longer serve their children as firm guideposts to life.

Summing Up

The family, parents, extended adolescence, geographic mobility, youthful unemployment, faulty education in public schools, sudden affluence,

swift social change—all these contribute to the seriousness of juvenile delinquency. So, doubtless, do racial prejudice, upheavals in the value systems of society, inner-city environments, permissive self-service stores, and drug pushers. It is a long catalogue. But although it may be true that "to understand everything is to forgive everything," our task as teachers is to encourage our pupils, to the best of our ability, to assert themselves in the face of demoralizing factors in their lives and environments.

NOTES ON QUESTIONS

Page 89: caption

While in many ways life in rural villages is difficult, the security of a strong family unit often found in rural society can be a real advantage for a growing child. This idea is developed in the case study of Ricardo.

Page 91:

- Possible factors inhibiting juvenile delinquency in a traditional agricultural village:

  a lot of work to do; little leisure for mischief; traditional mores and way of life; extended and stable family; close social and family observation and control of the young; traditional religion and its sanctions; lack of opportunities to shoplift or steal; not many people whom one might envy; no impersonal relationships; no anonymous crowds.

- Ricardo's advantages are largely those of moral, and mental, and emotional security. There is also a kind of socio-economic security for individuals in a small village and a large extended family. Everyone helps everyone else.

- The shock of change, the sudden impersonality of the city, envy of rich people, opportunities to steal, companions with big city habits and tastes—all these might contribute to Manuel's delinquency.

Page 98:

- Causes of inner-city delinquency: poverty in affluence; the culture of poverty; racial discrimination; weak family life; opportunities for stealing, drug pushing, prostitution, and so on; alienation of the individual; influence of the peer group or gang; poor formal education; hopeless prospects for a career; etc.

- Poverty surrounded by affluence probably helps to cause crime. In itself, poverty is not a cause, as may be seen from Ricardo's case. Similarly, poverty that seems hopeless in a society that seems to offer so many avenues to comfort and wealth, creates the temptation to commit crimes.

- Students will find it fairly easy to show the contrasts between the poverty-stricken lives of the two boys.

Page 101:

- Every move to a new community is a kind of culture shock. It can be very disturbing for children, who have security, familiarity, and predictability in their surroundings. Moreover, communities made up of transient families tend to be lacking in real friendliness and affection. However, one should not exaggerate all this: parents should make extra efforts to provide love and a sense of security when the family moves frequently. In any case, in America today, we should all learn as early as possible to live with change, and to enjoy it.

- Affluence can contribute to delinquency in various ways. Wealthy parents tend to substitute material gifts and so on for close personal concern and affection. Businessmen tend all too often to drift away from their families. Children in affluent families may lack discipline and challenge in their lives. A set of affluent youngsters can be just as gang-minded and irresponsible as poor youngsters.

- Boredom is a feeling of futility and aimlessness, or of weariness with the sameness of life. A person needs a sense of purpose, struggle, and achievement if he is to enjoy life and respect himself. A wealthy youngster a hundred years ago would almost certainly have been imbued from an early age with a sense of purpose and probably of superiority. He would have been subjected to hard study and strict discipline. He would have felt the need to get into an ivy league college, etc. Steve and his friends apparently had no built-in goals. Poor kids!

- The three facts suggest that Steve's father was too busy to be his friend and leader, that Steve lacked roots and security in the community, and that he was spoiled, undisciplined, and without a serious challenge or goal.

Page 102: caption

Do not sentimentalize over the good old days. Youngsters today have dozens of advantages that kids a hundred years ago lacked. However, there is no doubt that poverty, hard work at an early age, and the small rural community were often morally healthier than the cities and suburbs of today as far as adolescents were concerned.

Page 103: caption

It will be interesting to see what chores are available to keep youngsters occupied and responsible.

- Obviously machines have cut down on the chores and unskilled labor tasks in our society. They also free us for more skilled tasks. If Joe can mow the lawn in an hour with the power mower, instead of taking 10 hours with a scythe, he has 9 hours for studying, tuning the car, football practice, painting the porch, and making a doll's house for his sister.

- Alternatives to destructive behavior might include such things as hikes, bicycle trips, intramural sports, or various dances. Activities which are channeled along "constructive" lines might include money-raising projects (such as a car wash or paper drive) or good-will projects (such as cleaning up the environment or working with children).

- One hundred years ago, adventurous youths who were bored or frustrated could board a sailing ship or head west. There were many outlets for restless energy in the nineteenth century. Today, these outlets are gone, but there are many exciting careers to prepare for: airplane pilot, soldier or sailor, skilled technician, athlete, actor, news reporter, etc. The main difference is that today, if one wants an exciting life, one has to study and sweat for it. Some youngsters today find adventure in wandering and travel, like the people in Michener's The Drifters.

Page 105: caption

Survival dictates that human beings learn to live side by side with one another. With our space and resources limited, we must learn more cooperation and self-discipline. Possibly inner-city living represents the challenge that all of us will face in the future. In addition to tolerance and patience, a person in a big city civilization needs inner resources: an ability to find excitement and challenge in exploring knowledge, or creating things with his hands, or observing the life around him, or entering into the enjoyment of art of drama. He needs hobbies as well as a career. David Riesman identified the characteristic personality of our time as the "other-directed" member of the "lonely crowd." It is not a very rewarding type of personality.

Page 106:

- Encourage youngsters to think through the consequences of a decision to leave school as soon as possible. Discuss also such alternatives as "on the job" training, or continued education at evening classes.

- A century ago, there was not a great demand for highly trained labor. Because our society was predominately rural, years and years of formal education were not an economic necessity. However, many jobs required years of apprenticeship. Today, greater specialization and longer training have become necessary in order for people to function effectively. The good jobs require more and more knowledge and skills. Statistics show that the number of white-collar workers in America has doubled since 1950. Such workers now represent almost half of the labor force. Experts foresee the day when more than half, perhaps three-fourths of all young people of college age will be getting some kind of formal education beyond the high school. For interesting insights consult Peter F. Drucker, The Age of Discontinuity: Guidelines to Our Changing Society (New York: Harper and Row, 1969), especially pp. 38-41 and 311-348.

- It is debatable whether girls or boys have a harder time growing up. According to one view boys experience more difficulty because they have a harder time in practicing and demonstrating adult roles. Girls can still win praise from both peers and adults through such accepted "feminine" roles as baking a cake, sewing a dress, being a neat student, or even catching a boy friend. Boys, on the other hand, are supposed to be frustrated because they cannot show their manhood in adolescence. Hence, it is suggested, boys are tempted to gangs, drugs, vandalism,and other forms of "pseudo-machismo." There is something in these notions, but they seem old-fashioned and irrelevant in many ways. Young people of both sexes will survive adolescence best if they learn to employ their energies purposefully. Once again, it may be suggested that the patterns of elitist, aristocratic education for adolescents are not without relevance today. Perhaps the less we worry about femininity and masculinity in today's society, the better for all of us.

- Self-respect refers to the way in which an individual perceives himself. It is important for all human beings to have a healthy self-image. This requires developing a certain amount of pride and self-confidence. Too much self-pride of course, is unhealthy. However, most delinquent behavior is associated with young people who deep down have a poor image of themselves.

  Boys especially have trouble in obtaining a good self-image. If a boy is not a member of an athletic team, and if his academic ability is only mediocre, he may have difficulty in recognizing and demonstrating those talents he does have. This is compounded by the fact that there are fewer and fewer important chores that need to be done around the home. Instead of being an important, contributing member of his family, a young man today often finds himself "in the way." If this is the case, however, the family is undoubtedly partly to blame.

- For the possible effects of education on juvenile delinquency, see "Background Information," especially pages 103 and 109.

- ▶ Additional "masculine" qualities might include accuracy, speed, loyalty, endurance, independence, a quick wit, skill with one's hands, and poise. Some of these can be acquired in physical education courses and courses in manual arts. Here the teacher may raise again the question: How important are "masculine" (or "feminine") qualities in a society where knowledge and intellectual and social skills— whether in men or women—are the keys to success in most careers? Young people ought to realize that qualities that may seem important at the age of 13-14 may be quite irrelevant to adult success. The ability to read fast, express oneself clearly orally or in writing, and grasp simple mathematics is a far more decisive qualification for success in life than the ability to show off in a mixed group of teenagers. One might add that a mother who has learned these things will be more helpful to her children than a mother who has learned only how to cook and sew.

- ▶ Popularity contests in school are rarely won by youngsters whose achievements are mainly scholastic. Praise is

offered for athletic talent, mechanical skill, or sexual prowess, but rarely for the ability to get high marks. Many young men who seek praise and esteem are discouraged from scholastic achievement through very strong peer pressure. This unfortunate fact should not prevent the teacher from pointing out that the future is unlikely to fall into the hands of the illiterate and unscholarly. Successful men and women are those who can stick at a difficult and uncongenial task and lick it. It is as "masculine" to master calculus as to memorize all the plays and signals of the team and spend three hours a day practicing them.

Page 107:

- There are many, many examples of destructive behavior which have, at their roots, a desire to "prove" something or a need to show off. For example, the adolescents who rip off a department store may be trying to show off their daring; students who talk back to teachers or show contempt toward police may be attempting to prove their courage; and those teenagers who shoot at road signs may be trying to show off their skill and accuracy with a gun.

- For acceptable ways of expressing energy see the notes for page 106 of the pupil text.

- Constructive ways of demonstrating skills are also suggested in notes for page 106 of the pupil text. No doubt many more can be suggested. The range of human knowledge and skills is so vast that adolescence is all too short for beginning to make a dent in that knowledge.

- This is an opportunity to explore community resources, including library, museums, clubs, church organizations, scouts, skating rinks, swimming pools, dramatic clubs, teams, YMCA, parks, tennis courts, workshops, bands, choirs, and so on.

ACTIVITIES

1. Group Work—A comparative study of the family as an institution. In order to make such a comparison, students would first have to do an analysis of the Family as it exists in their own community. In order

to make necessary generalizations, the class could be divided into committees to deal with various subtopics. Suggested items to be analyzed would include:

(a) What is the setting of the family? (rural, urban, suburban)

(b) What is the per capita income?

(c) What is the infant mortality?

(d) Is the family "nuclear" (based on mother, father, and children exclusively) or is it "extended" (based on the nuclear family plus relatives)?

(e) What is the role of the father in the family?

(f) What is the role of the mother?

(g) What part do children play in the life of the family?

(h) How is discipline handled? By whom? For what reasons?

(i) How are important family decisions reached?

(j) What are adult attitudes toward religion? —education?

When the necessary information has been collected, students can then proceed with research in the library in order to compare their own family life with one that might be considerably different.

2. Interview—The following interview, printed in the April 26, 1965 issue of US News and World Report, summarizes many of the causal factors of juvenile delinquency that have been mentioned in this chapter. Professor and Mrs. Sheldon Glueck, criminologists of the Harvard Law School, have for many years done active research into the problem of deviant youth behavior. If the teacher wishes, this interview could be simplified and put on tape for use with slower readers. Teachers may see a variety of different ways in which this interview might be utilized.

Q. Professor and Mrs. Glueck, is poverty at the root of juvenile crime in America today?

A. In some cases, yes. Poverty is involved, for instance, in the case of the mother who has to work outside the home in order to support her family.

But poverty, by itself, doesn't make a delinquent. There are working mothers who somehow manage to give their children a good upbringing.

We do not mean to say that the "war on poverty" is not desirable. What we are saying is that, by itself, it will not bring a substantial decrease in delinquency. You cannot make good parents out of bad ones simply by raising their income or moving them into a new house.

You know, some of the most important individuals in America today came out of the slums. In the old days, we often spoke of "the respectable poor."

In Boston, our research investigators could often tell just as soon as a tenement door opened up whether they were entering the home of a delinquent or of a nondelinquent. All the families in the neighborhood would be poor, but there would be enormous variation in the under-the-roof atmosphere from one household to the next.

On the other hand, it is probable that, in a suburban neighborhood of middle income, you could find similar variations.

Q. Even in affluent families?

A. Oh, yes. You can find low standards of behavior and neglected children in well-to-do families. In fact, delinquency seems to be rising in suburban areas, and the causes for it, we think, are basically the same that you find in the slum areas.

There are mothers of ample income who neglect their children just as much as tenement mothers do, and there are fathers who might as well not be there, for all the time they spend with their children. You see the things that count the most in raising children do not depend so much on dollars and cents as they do on the parents' affection. Parental love is not purchasable. And you don't express this love through overindulgence, or by bribing a child with presents to make up for the lack of that parental love and concern day by day.

Q. Could affluence actually cause delinquency?

A. Sometimes it could, where it builds up a never-ending thirst for material things, such as high-powered cars.

One problem of our affluent society is that it has not yet defined a meaningful role for adolescents. Once there were chores around the house to make a child feel important and useful. Adventuresome youngsters could join a sailing ship or head west. There were many outlets for energy and adventure.

Today, the tendency is to hand everything on a platter to the adolescent. Very little effort is required on his part, so he has really become bored with life, in a sense.

Back of all this, however, is the problem of the inadequate parents. Their children, like those in the slums, grow up with a sense of neglect and insecurity—and this is what lays the foundation for delinquency.

Q. At what age does this tendency become evident in the child?

A. That would vary a great deal. Our basic research shows that about 50 per cent of the delinquents we studied began to show clear signs of maladjusted behavior at the age of eight or under. Virtually 90 per cent showed these signs at the age of ten or under.

Now we have found it possible to arrive at some idea of the child's delinquency potential even before those years by identifying certain pathologic aspects of his family life. The studies we have carried out show that this can be done at the school-entering age—between five and a half years and six and a half. At the present time we are working at and, we hope, succeeding in studies to identify predelinquents at an even earlier age, by combining parental factors and certain childhood traits.

Q. Will parents be able to recognize these traits in their preschool youngsters?

A. Perhaps. But a trained observer is needed. A pediatrician, for example, would recognize them if he had some briefing in the relationship of these traits to later delinquency.

Q. What are some of the traits that point to delinquency?

A. Stubbornness, emotional instability, destructiveness, defiance, for example.

Q. Couldn't some of these be found in healthy youngsters?

A. Indeed, they could. However, it is a question of how these characteristics combine in an unfavorable home atmosphere. If a child has only one or two and there is parental affection and understanding, you wouldn't worry. But suppose he has a combination of them together with neglectful and hostile or unconcerned parents. Then you would have a piling up which might lead to aggressive behavior in the years ahead. . .

Q. What seems to be causing delinquency to grow so fast nowadays?

A. There are many causes for this. For the most part, however, what we are seeing now is a process that has been going on since the second World War.

First, you have had more and more mothers going to work. Many have left their children more or less unattended, at home or in the streets. This has deprived children of the constant guidance and sense of security they need from their mothers in their early years.

Along with that change, parental attitudes toward disciplining their young have changed quite rapidly. In the home and outside, the trend has been steadily toward more permissiveness—that is, placing fewer restraints and limits on behavior.

Q. Is this permissive trend new?

A. It's not a new trend, really. Today's parents themselves are the products of somewhat permissive parents of the time before the second World War. There was much support for the philosophy of child rearing which said that, since a child is "creative," it should be permitted to experiment more or less at will, and so on.

Well, just how much that philosophy had to do with permissive parenthood can be argued, but many people feel that it started the whole trend toward permissiveness.

Q. How has that philosophy worked out in practice?

A. Not very well, it seems. Life requires a certain amount of discipline. You need it in the classroom, you need it in the home, you need it in society at large. After all, the Ten Commandments impose a discipline. Unless general restraints are built into the character of children, you can arrive eventually at social chaos.

Q. Are you saying that moral values are crumbling?

A. This is part of the picture. Not only parents but others are uncertain in many cases as to what is morally right or wrong, and that makes discipline harder to enforce.

For instance, children today are being exposed to all kinds of motion pictures and books. It is difficult to decide what motion pictures and books should be censored.

In a broad sense, actually, you might feel that censorship in general is undesirable. Yet you also know that restraint must be imposed at some point—especially where children are involved. But in trying to decide at what point restraint should be imposed, it very often turns out that no restraint at all results. And it is this lack of restraint in the home and on the outside that is back of so much of our delinquency.

Q. Is it bad parents, then, who make bad children?

A. In large measure. It is the affection and discipline the child gets in the home that shape his attitudes and ideals as child and adult.

Q. Does that mean that more discipline is needed?

A. Discipline is always needed. Fifty years ago, much more than now, there was discipline. Children knew the limits on their behavior. They lived in smaller neighborhoods where they were under the eye of parents and neighbors—and what the neighbors thought was important. Religion, too, seemed to have a greater influence on personal behavior.

Also, the home setting itself encouraged parental control. Children were taught by example that each had his or her work to do without question: The father worked out in the field, the mother cleaned the house and cooked the family's food, and the children carried in the wood and helped out.

Today, in our urban centers, the situation is totally different. There are all kinds of distractions for children. Mothers are either working outside the home or preoccupied with all the problems of day-to-day running of the home. Fathers, too, spend more time away from home.

There is less work for children to do around the house, and the parents can't think of other ways to fill up the void, so they leave it to the child himself to work out the problem. In that situation, parental authority is not likely to be strong.

Q. With what result?

A. With the result that the child considers it his right to do as he pleases and to ignore parental wishes. . . .

Q. Is a spanking, or some other form of corporal punishment, an answer to the problem?

A. We do not rule out corporal punishment, provided it is clearly related in the child's mind to the misdeed he has committed. But more use should be made of deprivation of privileges—sending a child to bed earlier if he misbehaves, or not letting him see his favorite television program—as a means of discipline. What is really required is great firmness administered with love.

You see, love is the essential element. We think that it is even possible for a parent to be overstrict at times or too lenient at other times, yet be an effective parent if he really loves the child—because the child then will accept these variations. But if a parent is overstrict or vacillating or lax, and doesn't really love the child, the child very quickly senses this and either takes advantage or rebels.

Now, the earlier in the child's life he senses parental love and guidance, the sooner he will acquire self-discipline—and the less of a disciplinary problem he's going to be as he grows up.

Q. Why do Chinese-Americans, for instance, seem to have few youngsters in trouble, while some other ethnic groups seem to have a high ratio of delinquency?

A. In any group, the incidence of delinquency derives from the strength of the family life. Years ago, we thought of doing a study of Chinese-American delinquents. But we found in our preliminary survey that there were simply not enough Chinese delinquent boys in New York or San Francisco to give us an adequate sample.

Why was this? We think it is because of the strong sense of family, the respect for parents and elders, that exists among the Chinese.

On the other hand, in the ethnic groups where the delinquency rate is high, you tend to find a great deal of desertion by fathers, and much illegitimacy. Even when a mother does show affection for her children, often her efforts to administer discipline are not supported by a strong sense that family reputation is at stake. . . .

Q. Can police and courts help reduce juvenile crime?

A. By the time a child walks into juvenile court, much of the damage to his character has been done, and it is much harder to correct damage than to prevent it.

Q. Do juvenile courts tend to be too soft on youngsters?

A. Sometimes, yes, but more often there is inconsistency because judges have wide discretion, and they may rely on intuition or hunches rather than use of predictive data which their staff could gather for them on each case.

Q. Then is stern punishment a deterrent to further crime?

A. Certainty of punishment is definitely a deterrent. After all, fear is a primary emotion in man. It plays an important part in his training. We have gone rather far in the other direction, in letting the child feel that he isn't going to be punished for misdeeds.

Of course, it is wrong to rely exclusively on fear of punishment to restrain the child. But it is equally wrong to do away with this deterrent.

Q. Can schools help in keeping children from developing into troublemakers?

A. They certainly can. As we have said, there are children whose energies are not suited to long periods of sitting still and whose adventuresomeness has to be satisfied in some acceptable way.

We also think that one of the basic needs of schools, along with other elements of society, is a general recognition that rules must be observed—that, without rules, you drift into chaos and into tyranny and into taking the law into your own hands. You see it not only among delinquents but among young college students, in their demand for more and more freedom from restraints and from higher authority...

Q. Do you look for crime and delinquency to continue to grow?

A. Probably. Our own feeling is that, unless much is done to check the vicious cycles involved, we are in for a period of violence beyond anything we have yet seen. . . .

We foresee no letup in this trend. A delinquent child often grows up to produce delinquent children—not as a matter of heredity, but of his own unresolved conflicts which make him an ineffective parent.

In our principal study, we found that 45 per cent of the mothers of the delinquents we interviewed had a history of criminality themselves, compared with 15 per cent of the mothers of nondelinquents. Sixty-six per cent of the fathers had a similar history, contrasted with 32 per cent of the fathers of nondelinquents.

Our trouble is that everyone is so busy managing the children who are already delinquents that they don't have time to think of how to break the vicious cycle that is building up delinquency. We are not doing the main thing that must be done to prevent the predelinquent from becoming a full-fledged delinquent by correcting conditions in the home.

That has been one of our purposes in working for so many years on tracing the roots and the development of delinquency—to provide our authorities with the information they need to act at the earliest possible period in a child's life when trouble signs appear.

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CHAPTER 6

The Juvenile Court System

Text pages 108-126

In Task Force Report: Juvenile Delinquency and Youth Crime,[8] the President's Commission on Law Enforcement and the Administration of Justice urged the public schools to take a greater responsibility in developing respect for law among young people. They recommended that every school offer an effective course of instruction with two immediate objectives:

(a) the development of an understanding of social and psychological sources of crime, and

(b) the development of an understanding of the background, the rationale, and the operation of the legal and law enforcement systems in America.

The present chapter attempts to deal with this second objective.

Although the American legal system in general is briefly surveyed in Chapter 6, primary emphasis is placed on those laws and institutions which directly affect juveniles.

The three objectives of the chapter are:

1. to help students understand the system of juvenile law as distinct from the main body of law;

2. to help them understand the purpose and working of the juvenile courts;

3. to let students realize the broad discretionary power of the juvenile court judge.

Text Outline

A Legal Look at Juveniles
Special Laws for Juveniles
The Police
Philosophy of Juvenile Court
"Court Is Now In Session"
- Scene
- Testimony
- Case History
- Disposition

Juvenile Rights
Disposition
- Probation
- Correctional School

CONCEPTS	OBJECTIVES Questions to be developed*
 The nature of law	Why has the policeman been called "the man in the middle"? Explain why police are often held in low esteem by teenagers as well as the general public. What are some of the services they perform? Give examples of special laws that apply only to juveniles. Why are many of these laws purposely vague or ambiguous? What is the basic philosophy behind the establishment of the juvenile court? How does this court differ in nature and in practice from an adult criminal court?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used as a basis for review and evaluation.

CONCEPTS	OBJECTIVES Questions to be developed*
	In an adult court, "justice is blind." Is this also true in a juvenile court? Why or why not?
	What is the role of a Probation Officer? Why is his work so important to a judge before as well as after a hearing?
	What power does a judge have in juvenile court proceedings? What are some of the alternatives he may select in trying to rehabilitate delinquent youths?
	Who was Gerald Gault? What significance did his trial have for juvenile justice?
	Today, what rights do all juveniles enjoy in a court of law?

Behavioral Indications: *Discussion of these questions and problems will show whether students understand the concepts and can apply them to the material presented in this chapter. The questions may also be used as a basis for review and evaluation.

BACKGROUND INFORMATION

STATISTICS

According to the Children's Bureau of the Department of Health, Education, and Welfare, less than two per cent of the nation's youth appear in juvenile court in any one year. However, approximately 70 per cent of this group are new cases. This means that over an eight year period, representing the juvenile years of 10-18, 12 percent of America's young people will be sent to court.

The last thorough study of the juvenile court system, taken in 1967, revealed a yearly total of 811,000 delinquency cases involving 699,000 juveniles (not including traffic violations). Among these cases, there were four times as many boys as girls, and three times as many predominately urban cases as rural cases. Over 50 per cent of all cases were handled informally, that is, without a petition or formal hearing.

JURISDICTION

According to state law, parents have a natural right to the custody of their children—as long as it is properly exercised. When it is not or cannot be properly exercised the juvenile court, as an arm of the state, has the right to intervene. Acting in loco parentis (in place of the parent) the juvenile court assumes authority over any child whose welfare demands it.

In its role as parens patriae (a legal phrase meaning the state acting as legal guardian), the jurisdiction of the juvenile court extends to youth who are:

(a) arrested for some offense

(b) incorrigibile or beyond the control of parents

(c) truants or vagrants

(d) neglected by parents

(e) homeless or deserted by parents

At present, the upper age limit of jurisdiction of the juvenile court in our country varies from 16 to 21. The Children's Bureau has recommended 18 as the upper limit, and this has gained acceptance in about two-thirds of the states. In the remaining one-third, the age is 16, 17, or 21, differing in some states for boys and girls.

About 40 states provide for a waiver (transfer) by the juvenile court to the adult court. These waiver laws vary greatly. Almost one-half depend exclusively upon the discretion of the judge. In other states, waiver is authorized only in cases involving a specific crime or in cases involving a juvenile above a certain age.

COURT PROCEDURE

Intake

About 70 per cent of all juvenile court referrals are made by the police; the remainder consist largely of "incorrigibility" and "ungovernability" complaints filed by school officials and parents. When a juvenile arrives at court, he is first interviewed by a court official, sometimes referred to as an "intake officer." After hearing the complaint, this officer will make one of three decisions:

(a) dismiss the case

(b) decide on an "informal" course of action freely agreed to by the juvenile

(c) decide to file a petition and arrange for a formal hearing before a judge.

The decision of whether a formal or informal hearing is called for depends upon the seriousness of the case, and the insistence of the complainant. On a national average, over 50 per cent of the cases can be settled voluntarily, without ever coming before a judge. Informal arrangements may include a period of probation or counseling, and thus, to a large extent, depend upon the social resources available in the community.

If the intake officer believes a formal court hearing is called for, he must then decide whether or not the juvenile can be released to his parents. This can be an extremely important decision, for the National Council on Crime and Delinquency estimates that 93 per cent of the counties in the United States have only jail or jail-like facilities for detaining youngsters in trouble. Detention, even for one night, might

bring innocent, mixed-up adolescents into contact with harmful or undesirable adults. In most cases, detention will be recommended only if the youth is a danger to himself or to the community—or if there is a danger that he will run away.

Hearing

When a court hearing is required, every effort is made to protect the welfare of the young person involved. A hearing is closed to outsiders. Neither press nor visitors are permitted. Until recent Supreme Court decisions, lawyers were also rarely seen in a hearing, although today their presence is increasing. In an effort to determine not only the guilt or innocence of a child, but the source of his difficulty as well, a hearing is conducted in an informal manner. Juvenile proceedings more often resemble a conference than a trial, with the judge acting in the role as "substitute father."

In some states, juvenile court proceedings are conducted in two stages: the first to determine whether a youth is innocent or guilty of the charges; the second to determine the best course of action to take on the child's behalf. In the majority of states, both stages are handled at the same time. In either procedure, all judgments rest exclusively with the individual judge.

Disposition

The judge in deciding on the proper method for handling a delinquent or unruly child, has considerable latitude. His choice is not limited by law. Thus his decision may be tailored to suit the following factors: the age of the child, the seriousness of the offenses, the number of previous court appearences, and, especially important, the cohesiveness of the family.

A judge's decision is also influenced by the resources available in the community. When a large number of social agencies exist, the judge has a much easier time fitting a specific course of treatment to individual needs. The fewer the alternatives available, the more frequently a judge must resort to the extremes of either dismissal or commitment to a state institution.

In Ohio's Cuyahoga County in 1971, 228 boys and girls were successfully diverted from the court system. The agencies to which these young

people were referred were the Center for Human Services, the Vocational Guidance and Rehabilitation Service, the Catholic Counseling Center, the West Side Neighborhood House, the Goodrich Bell Neighborhood Center, and the Glenville Neighborhood and Community Center. In as many cases as possible referrals were made to that agency best suited to meet the requirements of the individual child and his family.

On the national average, one-third of official dispositions result in probation. If the social resources of a community are especially good, however, this figure can be as high as 90 per cent for first offenses, and 50 to 70 per cent for second offenses. (In Cleveland, probation was the official disposition in 40 per cent of the cases during 1971.)

The decision to remove a child from the supervision of his parents is taken reluctantly, and only after all other alternatives have been exhausted. This is due, in part, to the generally poor record of state institutions in rehabilitating wayward youth and, in part, to the strong desire to keep families together. When such a commitment is made, it is usually made for an indefinite period of time. Recent surveys recommend a period of "confinement" not to exceed three years. But it is possible for a youth to remain in a state correctional institution until the age of 21. In most cases, however, overcrowded conditions in reform schools prevent most juveniles from staying long enough to receive adequate guidance and retraining.

CRITICISM OF THE JUVENILE COURT

It is not at all uncommon today to hear criticism of our juvenile court system. There are some who fear the great power which lies in the hands of the judge and who lament the injustice which results from abuse of this power. On the other hand, there are many who condemn the court for being too lenient with "delinquents." They maintain that the court's probationary "wrist-slapping" has had little detterent effect and in some instances has become an object of ridicule among juveniles.

There are three basic reasons underlying these criticisms. The first two represent legitimate concerns; the third represents a fundamental misunderstanding as to what the purpose and function of a juvenile court should be.

1. Juvenile courts throughout our country tend to be greatly understaffed. Whereas the number of court cases have increased year after year,

there has been no corresponding increase in the number of juvenile judges, probation officers, and social workers. Many cases do not belong in juvenile court at all. Yet without adequate social services within the community, the court becomes a "dumping ground" for all kinds of social problems. And without adequate personnel within the courts to deal with each individual case history, psychological and medical diagnoses, and post-hearing supervision, the courts cannot function in the manner in which they are intended.

2. Juvenile court personnel tend to be undertrained. This should be a matter of great concern in light of the great power the court has over young lives. A judge, especially, must be an extremely well-qualified and sensitive person. The qualities that are needed for such an important position were underscored as far back as 1909, when Judge Julian Mack, one of the first judges of the Chicago Juvenile Court, declared:

> ...because of the extent of his jurisdiction and the tremendous responsibility it entails, it is... absolutely essential that [the juvenile court judge] be a trained lawyer thoroughly imbued with the doctrine that ours is a "government of laws and not of men..." He must be a student of and deeply interested in the problems of philanthropy and child life, as well as a lover of children, [Emphasis added] He must be able to understand the boys' point of view and ideas of justice; he must be willing and patient enough to search out the underlying cause of the trouble and to formulate the plan by which, through the cooperation, ofttimes, of many agencies, the cure may be effected. [9]

In contrast to these lofty ideals, it is alarming to read in Howard James's review, Crisis in the Courts, the low level at which juvenile courts often operate. He reveals that 20 per cent of all juvenile judges have not only never been admitted to the Bar, but in fact have never attended college. Despite the fact that by no means all judges are fully qualified for their sensitive position, the average length of a juvenile hearing is only 10 to 15 minutes. One further point! A great many juvenile judges spend only a small percentage of their time on juvenile matters. It is estimated that three-fourths of the juvenile judges spend less than 25 per cent

of their time hearing juvenile cases, preferring instead criminal or civil cases.

Another reason for the poor performance of many juvenile courts may be that lawyers have tended to avoid them. Generally there is little money involved in juvenile cases, and, furthermore, lawyers have not been made welcome by some judges who are jealous of their power to operate informally behind closed doors.

Furthermore, there are few uniform standards of operation for juvenile courts across the country. Each of the 50 states has between 5 and 58 juvenile courts. Without uniform standards, each court tends to be more or less autonomous and, therefore, influenced greatly by the individual personality of the judge. There is too much chance and waywardness in the system.

3. Many people either do not understand or do not appreciate the purpose of juvenile court. By seeing the court in a punitive role—by viewing probation as some kind of suspended sentence—they misunderstand the fundamental philosophy of juvenile justice. According to this philosophy, as set down at the turn of the century, the juvenile court does not attempt to punish, but rather to rehabilitate young offenders. In the words of Justice Horace Stern of Pennsylvania, the purpose of the juvenile court is "to throw around a child, just starting perhaps, on an evil course and deprived of proper care, the strong arm of the State acting as parens patriae." [10]

The juvenile court is founded on the premise that justice cannot be "blind" where children are involved. In contrast to adult court, each person (juvenile) must be treated as an individual and special case. Except in extreme circumstances, most courts believe that a juvenile is better off with his parents than under the authority of the state. Judges realize that taking a child away from his home and placing him in an institution may not be a very effective manner of rehabilitation, and, in fact, may very will have a negative effect on his development. Thus, a juvenile judge will generally exhaust every other possible alternative before resorting to this extreme measure.

JUVENILE RIGHTS

In order that the juvenile judge may individualize justice and act in the manner of a "wise parent," he is given a large degree of power. He must not only decide the guilt or innocence of a child, but must also diagnose the source of his problem and prescribe a prudent course of treatment. This responsibility requires a wide latitude in decision making.

In order to function in this manner in the past, the juvenile court has not guaranteed to young people the formal, procedural rights in court that are guaranteed to adults by the Bill of Rights. In theory, the child is adequately protected by the judge, acting as a substitute parent.

Many judges have felt that certain procedural rights—right of counsel, right of cross-examination, right against self-incrimination, etc.—are not appropriate to and might even act as a hindrance in a juvenile hearing. They argue that formal procedures create a combat "tone"—one side against another—and prevent all sides from working together in the interests of the child's welfare.

It is true that juveniles are not accused of a "crime"; nor are they "sentenced" to a particular punishment. Yet, in reality, the juvenile court does have the power to take a child away from his parents and place him in a jail-like institution. In recent years, juvenile courts throughout the country have come under heavy criticism for abusing their power. The opinions of many critics were summarized by Abe Fortas, former Supreme Court Justice, in an opinion which he wrote in 1966:

> ...There may be grounds for concern that the child receives the worst of both worlds; that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children.[11]

It is, indeed, possible for juvenile judges to abuse their power. For example, if one charge cannot be proved against a youth, a particular judge can shift charges if he thinks court wardship is appropriate. His only justification need be, "it will be good for him." In such a manner, one youth was committed to a state training school for a $13 case of vandalism. Incarceration for this youngster could last from age 14 to age 21. In contrast, an adult guilty of the same misdemeanor might be fined or possibly sent to jail for a few weeks.

Abuse of power has posed a dilemma for the courts. In light of so much criticism, it seems essential that young people be protected in court by certain constitutional guarantees. Yet to what extent can the juvenile court adopt formal procedures and still retain its rehabilitative nature? This question, first raised by the Supreme Court in 1966, has not yet been fully answered.

CASES

The Kent Decision—In 1966, the Supreme Court, for the first time, decided to review a juvenile court case. The case involved a juvenile by the name of Kent who was charged with a serious crime in Washington, D.C. Because of the nature of the crime, the juvenile court transferred the case to an adult criminal court. This transfer was accomplished without a hearing and without legal representation for the defendant. The adult court then found the boy guilty of the crime and gave him a heavy prison sentence. He appealed to the Supreme Court.

In its decision, the Supreme Court ruled that juvenile courts must follow fair procedures in the exercise of their power. Because the Washington juvenile court had waived its jurisdiction over Kent without giving him a hearing, benefit of counsel, or a statement of reasons, the Supreme Court invalidated the conviction and sent the case back to the juvenile court with instructions to see that fair procedures were followed.

The Kent decision was important because it was the first expression of concern on the part of the high court over procedures of a juvenile court. At the time, Judge Fortas stated:

> We do not mean to indicate that the hearing to be held must conform with all of the requirements of a criminal trial or even of the usual administrative hearing; but we do hold that the hearing must measure up to essentials of due process and fair treatment. [12]

In re Gault—A more vigorous step toward greater juvenile rights was taken the following year when the Supreme Court reviewed the case of a 15-year-old Arizona boy, Gerald Gault.

In 1967, Gerald Gault, along with a friend, was picked up by the Gila County sheriff for making obscene phone calls. Gerald's mother and father, who were working at the time, were not informed of the arrest.

They had no idea of their missing son's location until their own investigations revealed his whereabouts.

Prior to the hearing, the Gaults received no written notice of the charges. Gerald was neither told of his right to remain silent, his right to be represented by counsel, nor his right to subpoena or cross-examine witnesses. The judge denied a request by Gerald's mother that the accuser be present at the hearing. No records of the proceedings were kept.

Gault was sentenced to spend up to six years in the Arizona State Industrial School. In Arizona, no appeals were possible for juvenile cases. (At the age of 15, Gerald might have been kept under state supervision until age 21. An adult convicted of similar charges could have received a $50 fine or not more than 2 months in jail.)

In overturning this decision, the Supreme Court extended the following four key safeguards of the Bill of Rights to every juvenile facing jail or other form of detention:

1. The right to timely and adequate notice of court proceedings and charges

2. The right to be represented by a lawyer, court appointed if necessary

3. The right to confront and cross-examine witnesses

4. The right against self-incrimination.

The Gault case has thus become a landmark decision for juvenile justice.

In his opinion in this case, Justice Fortas conceded that it was appropriate to handle children differently than adults. He felt that juvenile courts should attempt to treat rather than to punish them. However, Fortas emphasized that it was not necessary for juvenile courts to ignore the rules of fair procedure in order to do this. He concluded that as long as the juvenile court has the power to confine youngsters to institutions for long periods of time, the procedural safeguards given to adults cannot be ignored in the case of children.

Justice Stewart dissented in the Gault case. His arguments once again raised the dilemma of trying to balance individual justice with individual rights. He felt that the "inflexible restrictions" of the Bill or Rights turned juvenile hearings into adversary criminal trials. While

in favor of procedural fairness, Justice Stewart opposed such things as the privilege against self-incrimination for all juvenile cases. This, he said, was a step backwards into the 19th century when juveniles were tried in ordinary criminal court. To emphasize his point, he cited a court case which occurred in 1847.

> So it was that a 12-year-old boy named James Guild was tried in New Jersey for killing Catherine Beakes. A jury found him guilty of murder, and he was sentenced to death by hanging. The sentence was executed. It was all very constitutional.[13]

NOTES ON QUESTIONS

Page 108: ★ It might be useful to expose students to the thick volumes of our state statutes, even if they are not assigned to investigate specific laws.

Page 110: ● Most court referrals for boys, aside from the ones made by police, come from private citizens; girls are more often referred to court by parents and relatives. One possible explanation for this difference is the fact that traditionally boys have been much freer than girls to leave the home. As a result, energy or frustration is released outside, in the community at large. Girls traditionally are more closely supervised and not allowed to come and go as easily as their brothers. Thus tension and conflict, especially between mother and daughter, often build up within the household.

▶ The next largest source of referrals for boys is parents and relatives, followed by store security officials. For girls, it is store security (again pointing to the frequency of female shoplifting), followed by private citizens.

Page 112: ● Before a child is old enough to base his opinions on actual experience, he is influenced in his training at home by the kind of attitudes expressed by the parents. Often the most important lessons a child learns are the examples he observes. A father who curses at a "dumb cop" for the traffic ticket he has been given has helped create an opinion about policemen in the minds of his children.

Most people have very little direct contact with the law. When we do have contact with police, it is often under unpleasant circumstances, such as in the case of the traffic violation. If a teenager's first experience with police is unpleasant, it is possible that he will generalize the episode and develop negative attitudes toward policemen and police activities.

Page 113: caption — Many routine police tasks go unnoticed by the general public. Policemen rarely find it necessary to use weapons, nor do they exclusively engage in criminal

investigation. More often, the policemen are engaging in such diverse tasks as directing traffic, controlling crowds, protecting dignitaries, giving driving licenses, investigating accidents, helping firemen, aiding the sick, and picking up stray animals.

A time study of police work in Syracuse recently revealed the following amount of time for each activity:

37.5%	Service (accidents, illness, ambulance calls, animals, trees down, drunk persons, etc.)
30.1%	Order Maintenance (gang disturbances, family trouble, fights, investigations, etc.)
10.3%	Law Enforcement (burglary in progress, prowler, make an arrest, etc.)
22.1%	Other
100 %	Total [14]

It would be interesting to discover if students perceive the ugly police image as a problem—and if so, what might be done about it. Suggestions will probably focus on increased publicity for the constructive work that policemen do. (Have various police shows on television had a positive impact?)

Page 114:

- One reason why police are frequently the target of criticism is that they make few personal contacts with average citizens on a day-to-day basis. When a citizen does have business with the police, it is often the result of his own wrongdoing, and quite naturally, a person rarely has praise for one who exposes him to embarrassment or punishment.

- To help generate discussion of the topic of police work and the public image of the police, students and teachers are referred to a paperback book entitled The Police, edited by Gerald Leinwand (One in the series Problems of American Society, published by Pocket Books, New York, 1972, $.95).

- National police standards in regard to serious crime seem to be generally uniform. However, the manner of handling most petty crimes depends, to a great extent, upon the intuition of the individual policeman.

This is an important consideration for teenagers. A policeman who confronts a juvenile offender is likely to weigh three factors in deciding upon a course of action: (a) the seriousness of the crime; (b) the number of times the youth has been in contact with the law; (c) a subjective feeling which a policeman has about a youth which is based upon the juvenile's age, his appearance, his respect for the law, and his repentance for the offense which he committed.

- City police are generally more apt to make an arrest than suburban police. With the higher incidence of urban crime, city police tend to be less tolerant and more suspicious. As a result, youthful suspects are more likely to be taken to police headquarters or juvenile court in the city than they are in suburban or rural areas. Since inner cities are heavily populated by black people, city police are often charged with racism.

Page 116:

- This question challenges a fundamental principle of juvenile rights and is widely discussed today. For a more complete explanation of the nature of juvenile justice, its ideals and weaknesses, see Background Information for this chapter.

Page 119:

- Before reading the actual decision, students may wish to test their judgment against that of a judge. What factors in this case do they feel are most crucial to a decision?

  Most juvenile officials weigh very heavily the cohesiveness of a child's family as well as the progress that he is making in school. In both instances in our case, the defendant didn't have much going for him. The key question that the judge had to decide was whether the boy should be separated from his parents. Could he make positive improvement while living at home? If so, a program of probation and counseling might be the best alternative. If not, and if the chances were good that he would continue to get into trouble, then a period of time in either a public or private institution might be necessary.

As mentioned earlier, a juvenile judge is responsible for acting in a child's best interest. It is felt that only in extreme cases would a child's welfare be served by committing him to a state institution. Judges are aware of the harmful consequences which are possible when a youth is sent to reform school, despite lofty objectives to the contrary. However, in the case presented, the judge was as concerned with finding the source of the drugs as he was with helping the boy to adjust.

Page 120: ● The three questions on page 120 can lead to general discussion concerning the nature of juvenile court—in theory and in practice. Ask students to reflect on this case study and voice their opinions. Was justice served? For whom? What would they have done as judge?

Page 121: ★ For additional information on the important Gault decision, see Background Information for this chapter, pages 135-37.

(a) Gault had been taken into custody as the result of a neighbor's complaint about his placing obscene telephone calls.

(b) Gault, who was 15 years old at the time, was committed to the Arizona State Industrial School for an "indefinite" period of time. It would have been possible for Gault to have remained there until the age of 21 (a confinement of six <u>years</u>!).

An adult, convicted of similar charges, might have received a $50 fine or a maximum sentence of two <u>months</u> in jail.

(c) The Supreme Court ruled that Gault was denied
- — the right to be notified in advance of the charges
- — the right to remain silent (self-incrimination)
- — the right to subpoena and cross-examine witnesses
- — the right to face his accuser
- — the right to a transcript of the proceedings
- — the right to an appeal

(d) As a result of the Gault decision, certain procedural rights were guaranteed to juveniles by the Supreme Court. The most noticeable effect of this case has been an increase in the number of lawyers present during juvenile hearings. Before 1965, lawyers were present in only 5 per cent of the cases. Today their numbers have greatly increased and continue to grow.

In addition, many juvenile courts around the country have come under close scrutiny in the light of the unfair practices that were revealed by the Gault review. There are further procedural questions yet unanswered by the Supreme Court. Yet the entire issue of juvenile justice has finally been raised and further reforms will undoubtedly be considered.

Page 125:

- The "rehabilitation" issue is a controversial one. What is the best method for dealing with delinquents in order to bring them back into the mainstream of society? Is discipline and regimented living necessary? If so, to what extent. Students may have a variety of opinions on this subject.

Page 126:

- Often, instead of rehabilitating the juvenile, state correctional schools increase his bitterness toward life. This, plus the additional instruction in the techniques of law-breaking which a juvenile picks up from older and more experienced delinquents, increase the probability that he will engage in future crime. As the student text records, the rate of recidivism among reform school graduates is high. Judge Whitlatch of the Cuyahoga County Juvenile Court estimates that 50 per cent of Ohio's detention home population are repeaters who have been there on previous occasions. Other studies have shown that within five years, 50-80 per cent of the juveniles who pass through the public rehabilitation process repeat their criminal activity.

- Answers to this question generally revolve around those programs and services which are geared toward helping teenagers build self-respect, self-confidence, and, most important, a positive craft.

Teachers may wish to refer to the section on "Theories of Penology" in Background Information, Chapter 3, pages 54-55, above. Evidently, neither rehabilitation nor deterrence are being adequately achieved.

ACTIVITIES

Field Trip—This chapter has been concerned with two of society's most important institutions: our law enforcement and judicial systems. Unfortunately, the positive work of these institutions is often remote and beyond the immediate experience of most adolescents. A field trip would provide an excellent opportunity for students to identify more closely with the work of the police and/or the courts.

It was mentioned earlier that juvenile court does not permit visitors. However, there are a variety of adult courts which could provide students with a first-hand look at judicial proceedings. Local police departments have usually been helpful in arranging tours and shared activities which allow teenagers to identify with the problems of law enforcement. Some police departments permit selected youngsters to accompany police patrols for an hour or two.

Guest Speaker—A guest speaker might be invited to speak to the class. Here again, students would have an opportunity to ask specific questions and gain a closer identification with the man behind the badge or gavel. Most communities are rich in such resource people as lawyers, judges, probation officers, social workers, and police officers.

Role Playing—Some classes may benefit from a dramatization of an actual (or fictitious) juvenile court case. For detailed instructions of several role playing situations—involving Gerald Gault and other juvenile test cases—teachers are referred to Charles N. Quigley and Richard P. Longaker's paperback text, Voices for Justice: Role Playing in Democratic Procedures (Boston: Ginn and Company, 1970).

Writing—When discussing juvenile justice, the class may wish to consider whether or not juveniles need a special Bill of Rights. Students could be directed to the United States Constitution to analyze which of the first ten amendments are appropriate for teenagers. This may stimulate the class to draw up a "bill or rights" for juveniles.

CHAPTER 7

Case Study: Cuyahoga County Juvenile Court

Text pages 127-138

This final chapter should be regarded as an appendix to the previous chapter. While Chapter 6 dealt with the general topics of juvenile law and juvenile court, Chapter 7 is a case study specifically concerned with Ohio juvenile law as it is applied in the Cuyahoga County Juvenile Court. Students may find local juvenile crime statistics of great interest.

Text Outline

THE OHIO JUVENILE COURT ACT

FACTS AND FIGURES

DISPOSITION

- Probation
- The Ohio Youth Commission

NOTES ON QUESTIONS

Page 128

- "Reasonable control of parents" is a vague term. Would parents, judges, and juveniles always agree on the exact meaning of "reasonable"? There is wide latitude of meaning in many of these expressions. Other examples include "to...endanger the health and morals of himself;" "of being wayward;" "by...being...habitually disobedient;" "associates with...vicious...immoral persons."

- Naturally, the vagueness of this legal language enables juvenile judges to exercise a great deal of discretion. Because terms such as "habitual," "reasonable," and "morals" lack precision, it is possible for a judge to exercise wide latitude in judgment as to whether or not a juvenile should be placed under court jurisdiction.

- During 1971 there was almost no change in delinquency statistics. Figures show a rise of only five cases over 1970 totals.

- In 1971, boys outnumbered girls by a ratio of almost 6:1 in the number of delinquency complaints. For unruly complaints, the ratio of boys to girls was approximately equal: 1:1.

Page 129

- Unruly complaints during 1971 decreased by 21 per cent. This decrease was largely due to a rather sharp decrease in the number of complaints filed against boys.

- Among boys, <u>delinquency</u> complaints outnumbered <u>unruly</u> complaints by a ratio of almost 6:1, for girls, there were slightly more <u>unruly</u> complaints than <u>delinquency</u> complaints.

- The three most frequent complaints filed against boys were auto-trespass, unlawful entry, and stealing. For girls the three most frequent complaints were incorrigibility, shoplifting, and truancy.

- The number of complaints for boys and girls was about the same in shoplifting and sex offenses. Girls outnumbered boys in the number of complaints for incorrigibility and running away.

▶ Under the heading "unruly" are those offenses which are acceptable for adults but not for children. They include curfew violations, truancy, incorrigibility, liquor offenses, and female sex offenses. The remainder are violations of adult law and, therefore, may be classified as "delinquency."

Page 130: ▶ The total number of complaints for the city of Cleveland in 1971 was 6,136 compared to a suburban total of 2,839. However, complaints in the city are fewer than in 1970. Suburban complaints have increased during the same period. Notice that population figures for the city and suburbs are <u>not</u> given.

▶ Answers will vary.

● When comparing their own community with others, students must keep in mind differences in population. All other factors being equal, larger communities should be expected to have more cases of delinquency than smaller communities.

Page 136: ▶ The most frequent disposition made in official cases was probation; the second most frequent disposition was commitment to an institution.

▶ In 1971, there were 27 cases considered so extreme that the youths were transferred to Common Pleas Court for an "adult" trial.

NOTES

[1] Washington: Government Printing Office, p. 272.

[2] Raul Tunley, Kids, Crime and Chaos (New York: Harper and Brothers, 1962), p. 66.

[3] Alexander Solzhenitsyn, article published in Aftenposten (Norway), and reprinted in excerpts in Wall Street Journal, September 19, 1973.

[4] Excerpts from an account of Police Strike in Montreal, 1969, as reported in Canadian Press.

[5] Quoted in Juvenile Offender by Clyde B. Vedder (Springfield, Illinois: Charles C. Thomas, 1963), p. 129.

[6] Task Force Report: Juvenile Delinquency and Youth Crime, 1967, p. 378.

[7] Raul Tunley, Kids, Crime and Chaos (New York: Harper and Brothers, 1962), p. 62.

[8] Task Force Report: Juvenile Delinquency and Youth Crime, 1967, p. 222.

[9] Quoted from Julian Mack's article "The Juvenile Court," Harvard Law Review, 1909, in Lisa Richette, The Throwaway Children (Philadelphia: Lippincott, 1969), pp. 290-91.

[10] Quoted from In re Holmes, in Lois G. Forer, No One Will Lissen (New York: John Day, 1970), p. 220.

[11] Kent v. United States (1966). 383 U.S. 541, 556.

[12] Ibid. 383 U.S. 541.

[13] Justice Stewart's dissent in In re Gault, quoted in Task Force Report: Juvenile Delinquency and Youth Crime, 1967, p. 76.

[14] Quoted in Gerald Leinwand (ed.), The Police. Problems of American Society Series (New York: Pocket Books, 1972), p. 37.

RESOURCES

Introductory Note

Several books developed by the Social Science Department of the Educational Research Council of America touch on the themes in the present unit. The teacher's guides contain detailed lists of resources.

Prejudice and Discrimination. Pupil text and teacher's guide. Intended for seventh grade. Challenges of Our Time, Book 2. Boston: Allyn and Bacon, 1973.

Choices and Decisions: Economics and Society. Pupil text and teacher's guide. Intended for seventh grade -- in series Challenges of Our Time. Boston: Allyn and Bacon, 1972. See especially Chapter 4, "The Problem of Alienation." Chapter 3, "Consumer Economics" is also relevant.

Analyzing Politics. Pupil text and teacher's guide. Intended for ninth grade. Cleveland: Educational Research Council of America, 1967. Deals in some depth with political obligation.

General

Teacher Books

Note: The following books are helpful resources for use throughout the entire unit.

Barron, Milton L. The Juvenile in Delinquent Society. New York: Alfred A. Knopf, 1964.

Bassiouni, M. Cherif, and Sister Thecla Shiel. Youth and the Law. A volume in "Justice in Urban America." Robert H. Ratcliffe, general editor. Boston: Houghton Mifflin, 1970.

Cavan, Ruth S. Juvenile Delinquency. New York: J. B. Lippincott Co., 1962.

Eldefonso, Edward. Law Enforcement and the Youthful Offender: Juvenile Procedures. New York: John Wiley and Sons, 1967.

Gibbons, Donald C. Delinquent Behavior. Englewood Cliffs, New Jersey: Prentice-Hall, 1970.

Glueck, Sheldon. The Problem of Delinquency. Boston: Houghton Mifflin, 1959.

Hanna, John Paul. Teenagers and the Law. Lexington, Massachusetts: Ginn and Company, 1967.

Kvaraceus, William C. Dynamics of Delinquency. Columbus, Ohio: Charles E. Merrill Books, Inc., 1966.

Lewis C. S. The Abolition of Man. New York: Macmillan, 1965.

Leinwand, Gerald (ed.). Crime and Delinquency (Series title: Problems of American Society). New York: Washington Square Press, 1968.

Reed, John P., and Fuad Baali (eds.). Faces of Delinquency. Englewood Cliffs, New Jersey: Prentice-Hall, 1972.

Robison, Sophia M. Juvenile Delinquency. New York: Holt, Rinehart and Winston, 1960.

Steel, Ronald (ed.). New Light on Juvenile Delinquency. (Series title—The Reference Shelf, Vol. 39, No. 4) New York: The H. W. Wilson Company, 1967.

Task Force Report: Juvenile Delinquency and Youth Crime. The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Government Printing Office, 1967.

Tunley, Raul. Kids, Crime and Chaos. New York: Harper and Brothers, 1962.

Vedder, Clyde B. Juvenile Offenders. Springfield, Illinois: Charles C. Thomas, Publishers, 1963.

Special Bibliography

Bibliography of Law-Related Curriculum Materials (Annotated). Special Committee on Youth Education for Citizenship, American Bar Association, Chicago, Illinois, 60637.

Chapter 1—Growing Up

Teacher Books

Erikson, Erik. Childhood and Society, 2d ed. New York: W. W. Norton & Co., 1963.

Friedenberg, Edgar. The Vanishing Adolescent. Boston: Beacon Press, 1959.

Goodman, Paul. Growing Up Absurd. New York: Random House, 1960.

Michener, James. The Drifters (novel). Various editions.

Riesman, David. The Lonely Crowd. New Haven: Yale University Press, 1950.

"Twelve to Sixteen: Early Adolescence." Daedalus, Volume 100, No. 4, Fall 1971.

"Youth: Change and Challenge." Daedalus, Volume 91, No. 1, Winter 1962.

Pupil Books

The following novels about young people will stimulate the imagination.

Dickens, Charles. Oliver Twist. Various editions.

Golding, William. Lord of the Flies. Various editions.

Hughes, Richard. A High Wind in Jamaica. Various editions.

Hughes, Thomas. Tom Brown's Schooldays. Various editions.

Salinger, J.D. Catcher in the Rye. Various editions.

Twain, Mark. Huckleberry Finn. Various editions.

The following autobiography is frightening and fascinating, but the language is, to say the least, strong and crude:

Claude Brown. Manchild in the Promised Land. Various editions.

Consider also the musical: West Side Story.

Chapter 2—Crime Statistics (and other social statistics)

Teacher Books

Note: A wealth of statistics can be found in the government publications listed below. Teachers are especially urged to make use of the 1972 Crime Report which is a more recent source of FBI crime figures than the one used for the student texts. The President's Task Force Report, which is a basic reference for almost every aspect of juvenile delinquency, contains a useful analysis of the problems of interpreting juvenile crime statistics.

Crime in the United States: Uniform Crime Report—1972. Department of Justice. Washington, D.C.: Government Printing Office, August 1973. ($1.50)

Juvenile Court Statistics—1967. Children's Bureau Statistical Series No. 93. Children's Bureau of the United States Department of Health, Education, and Welfare. Washington, D.C.: Government Printing Office, 1969.

Task Force Report: Juvenile Delinquency and Youth Crime. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C.: Government Printing Office, 1967.

The American Alamanac: The U.S. Book of Statistics and Information. Prepared by the Bureau of the Census. U.S. Department of Commerce. New York: Grosset and Dunlap, 1973 (or later).

We, the Americans. A series prepared by the Bureau of the Census, available from Superintendent of Documents, U.S. Government Printing Office, Public Documents Department, Washington, D.C. 20402. Of special interest are:

We, the Black Americans (40 cents)
Nosotios [Hispanic Americans] (45 cents)
Gun Education (40 cents)
We, the Youth of America (40 cents)

Chapter 3—The Basis of Political Obligation

Teacher Books

Lippmann, Walter. The Public Philosophy. New York: Mentor, 1956 and later.

Plato. Socrates' Apology. Many editions.

Portune, Robert. Changing Adolescent Attitudes Toward Police. Cincinnati, Ohio: W. H. Anderson Co., 1971.

This book contains some excellent lesson plans for helping students use their own experiences with rules and games to understand society's need for laws.

Quigley, Charles N. Your Rights and Responsibilities as an American Citizen A Civics Casebook. Boston: Ginn and Company, 1967.

Especially useful is the fanciful story of "A Children's Island," found on pages 2-7. On Children's Island, a group of youngsters discovers the problems of living together in peace and harmony. Though the ruler tries to be fair, his attempts often fail. Through such mistakes, the reader becomes aware of the guarantees and procedures which are necessary for justice to be maintained in a democratic country.

Stanmeyer, William. The Liberative Role of Law. 8 American Criminal Law Quarterly 209 (Summer 1970).

Pupil Books: Fiction

Clark, W.V.T. The Ox-Bow Incident. New York: Random House, 1940.

Golding, William. Lord of the Flies. Many editions.

Wister, Owen. The Virginian. Various editions.

More advanced novels about law, obligation, and politics:

Cuzzens, James Gould. Guard of Honor. Various editions.

_____. By Love Possessed. Various editions.

Kafka, Franz. The Trial. Various editions.

_____. The Castle. Various editions

Orwell, George. 1984. Various editions.

Wouk, Herman. The Caine Mutiny. Various editions.

Short stories:

Jackson, Shirley. "The Lottery."

London, Jack. "The Benefit of the Doubt."

Maugham, Somerset. "The Happy Couple."

Excerpt from a novel:

Dickens, Charles. The trial of Bardell against Pickwick, in The Pickwick Papers.

A Play:

Rattigan, Terence. The Winslow Boy.

Chapter 4—Shoplifting and Vandalism

Teacher Books

Cain, Arthur H. Young People and Crime. New York: The John Day Co., 1968.

Glasser, William, M.D. Schools Without Failure. New York: Harper & Row, 1969.

Lakewood Public School System, The Educational Research Council of America, and The Ohio State Department of Education. Dealing with Aggressive Behavior. Cleveland, Ohio: Educational Research Council of America, 1971.

Loth, David. Crime in the Suburbs. New York: William Morrow Co., 1967.

Madison, Arnold. Vandalism—The Not-So-Senseless Crime. New York: Seabury Press, 1970.

Martin, John. Juvenile Vandalism: The Study of Its Nature and Prevention. Springfield, Illinois: Thomas, 1961.

Wyden, Peter. Suburbia's Coddled Kids. Garden City, New York: Doubleday, 1962.

Teacher Articles

Davidson, B. "They Steal Just for the Hell of It," Saturday Evening Post, 241 (May 18, 1968), pp. 33-37.

Grimm, Robert. "The High Cost of School Vandalism," Ohio Schools (July 13, 1969), pp. 17-20.

Hellman, P. "One in Ten Shoppers Is a Shoplifter," New York Times Magazine (March 5, 1970), pp. 34-35.

"Surging Vandalism: Its Expense to America," U.S. News and World Report (August 25, 1969), pp. 32-34.

"The Vandal: Society's Outsider," Time (January 19, 1970), p. 45.

"Ways of Fighting Vandalism: Symposium," Today's Education, 57 (1968).

"Youth in Rebellion—Why?" U.S. News and World Report (April 25, 1970), pp. 42-46.

Chapter 5—Causes of Delinquency

Teacher Books

Barron, Milton L. The Juvenile in Delinquent Society. New York: Alfred Knopf, 1954.

Blaine, Graham B., Jr. Youth and the Hazards of Affluence. New York: Harper and Row, 1966.

Cain, Arthur H. Young People and Crime. New York: The John Day Company, 1968.

Gibbons, Donald C. Delinquent Behavior. Englewood Cliffs, New Jersey: Prentice-Hall, 1970.

Glueck, Sheldon and Eleanor. Family Environment and Delinquency. Boston: Houghton Mifflin, 1962.

Glueck, Sheldon. The Problem of Delinquency. Boston: Houghton-Mifflin Co., 1959.

Goodman, Paul. Growing Up Absurd. New York: Random House, 1960.

Hechinger, Grace and Fred. Teenage Tyranny. New York: William Morrow and Co., 1963.

James, Howard. Children in Trouble: A National Scandal. New York: David McKay Company, 1969.

Kvaraceus, William C. Dynamics of Delinquency. Columbus, Ohio: Charles E. Merrill Books, 1966.

Loth, David. Crime in the Suburbs. New York: William Morrow and Co., 1967.

Madison, Arnold. Vandalism: The Not-So-Senseless Crime. New York: Seabury Press, 1970.

Richette, Lisa A. The Throwaway Children. Philadelphia: J.B. Lippincott Co., 1969.

Salisbury, Harrison E. The Shook-Up Generation. New York: Harper and Row, 1958.

Steel, Ronald (ed.). New Light on Juveline Delinquency. Series title: The Reference Shelf. New York: The H.W. Wilson Company, Vol. 39, No. 4, 1962.

Task Force Report: Juvenile Delinquency and Youth Crime. The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: Government Frinting Office, 1967.

Tunley, Raul. Kids, Crime, and Chaos. New York: Harper and Brothers, 1962.

Vedder, Clyde B. Juvenile Offenders. Springfield, Illinois: Charles C. Thomas, 1963.

Chapter 6—Juvenile Court

Teacher Books

Annual Report: The Juvenile Court of Cuyahoga County. (Available from the Cuyahoga County Juvenile Court Building, 2163 East 22nd Street, Cleveland, Ohio. 30¢ each).

Cohen, William, Murray Schwartz, and DeAnne Sobul. The Bill of Rights: A Source Book. New York: Benziger Brothers, 1968

Forer, Lois G. No One Will Lissen. New York: The John Day Co., 1970.

James, Howard, Children in Trouble: A National Scandal. New York: David McKay Company, 1969.

Lienwand, Gerald (ed.) The Police. A volume in the "Problems of American Society" series. New York: Pocket Books, 1972.

Public Affairs Pamphlets. Public Affairs Committee, 381 Park Avenue, South New York 10016.

No. 419 Allison, Junius L. The Juvenile Court Comes of Age, 1971.
No. 337 Brecher, Ruth and Edward. The Delinquent and the Law, 1962.

Quigley, Charles N., and Richard P. Longaker. Voices for Justice: Role Playing in Democratic Procedures. Boston: Ginn and Company, 1970.

Richette, Lisa. The Throwaway Children. Philadelphia: J.B. Lippincott Co., 1969.

Sobul, DeAnne. The Bill of Rights: A Handbook. New York: Benziger Brothers, 1969.

Task Force Report: Juvenile Delinquency and Youth Crime. The President's Commission on Law Enforcement and Administration of Justice. Washington, D.C.: Government Printing Office, 1967.

Vedder, Clyde B. Juvenile Offenders. Springfield, Illinois: Charles C. Thomas, 1963.

Some Useful Audio-Visual Materials

Sound Film Strip: You and the Law (available from Guidance Associates of Pleasantville, New York). This color film strip touches on most areas of juvenile crime. There is a discussion of important laws teenagers should know as well as some basic reasons why young people get into trouble. The main emphasis, however, is on showing the teenager the need for rules in a society and the penalties for breaking them. Excellent for both junior and senior high school.

Chapters 1
3
6

Film Loops: Spray Paint and Rocks and Trains (available from Ealing Film Loops, Cambridge, Massachusetts). Both of these film loops are approximately 3.5 minutes long and are designed to be a "stop-action" activities to stimulate discussion. In both film loops, three boys are in the midst of some delinquent activity—in one case, throwing rocks at approaching trains; in the other, spraying paint on store front buildings. With the arrival of a fourth boy, the film loop is stopped, and the audience is asked to discuss the options of the new arrival:

Chapters 1
3
4
6

should he join in?
should he walk away?
should he try to persuade his friends to stop?

Emphasis during the discussion in on which of the three alternatives is the easiest and which is the one YOU would choose. For middle school.

16mm Film: You Be the Judge (available from AIMS, P.O. Box 1010, Hollywood, California, 90028). This film is 13 minutes long and is suitable for the 11-14 age group, or, in the words of the flyer, the age group "not yet hardened into delinquents." The film presents three common teenage offenses:

Chapters 1
3
4
6

1. shoplifting
2. incorrigibility
3. drugs

In each of these three portrayals, the film is to be stopped as the youths are apprehended. The audience is then to speculate on the probable consequences.

While the emphasis is on the personal consequences of delinquencey, the film does point out the power of the policeman, the power of the juvenile court judge, and the various rights quaranteed to all young people.

Slides and Audio-Tape:

Chapter 4

Vandalism (available from the Educational Research Council of America). The slides show various types of vandalism common in the Cleveland area. The first 15 minutes is a discussion by six teachers; the second 15 minutes are some opinions from six parents.

16mm Films

Chapters 1
4
6

Busted!!! (available from AV-ED Films, Santa Monica Blvd., Hollywood, California 90046). This 14-minute, color film is a contemporary movie of teenagers in trouble with the law. Three scenes depict police reaction to (1) a boy who steals an automobile; (2) a girl who runs away from home; and (3) a young man who hits a child with a stolen automobile. The film treats honestly the consequences of being arrested, and places strong emphasis on the responsibilities of growing up.

Chapter 4

Vandalism—Why? (available from Perennial Education, Inc., 1825 Willow Road, Box 236, Northfield, Illinois 60093). This 11-minute, color film effectively dramatizes the problem of our conscious and unconscious defacement of public property. With strong ties to the "ecology" theme, the film concludes with several positive efforts by young people to deal with the consequences of vandalism.

Sound Film Strips

Chapter 3

Law and Justice in the United States (available from Teaching Resources Films/An Educational Service of the New York Times, Bedford Hills, New York 10507). Produced in 1972, Law and Justice in the United States consists of six film strips and cassettes which focus on concepts of law, liberty, and responsibility. The filmstrips are done with drawings and best suited for elementary and middle school students.

The flimstrip What are Laws? is especially useful. It explores the need for law in any society—even within the animal kingdom—and concludes with several excellent examples of laws which are designed to help and protect children.

Multimedia Packages

Chapter 6

It's Your Right: The Law Says... (available from the National Education Association, Customer Service Section, 1201 Sixteenth Street, N.W., Washington, D.C. 20036). The NEA has prepared this multimedia kit of law related materials to include:

a. a sound filmstrip exploring the rights of juveniles as citizens and examining the machinery of law enforcement.

b. a cassette recording of a question-and-answer session between six young people and a lawyer who specializes in juvenile problems.

c. a package of 30 leaflets, Your Child and the Law, designed expressly for parents of teenage sons and daughters.

The kit, which sells for $32.50, also includes copies of How To Build Better Courts; the NEA Task Force Report, Code of Student Rights and Responsibilities; and Law in American Society, a special issue of the Journal of the National Center for Law-Focused Education.

Of particular interest for this unit is the first side of the cassette recording, Youth and the Law. In this recording (which sells individually for $9) a well known attorney, Neil L. Chayet leads six students in exploring some of the following areas of juvenile rights and juvenile law:

a. What are my rights when arrested?
b. What procedures should I follow when arrested?
c. What are appropriate responses toward police?
d. What damage can a police record have on my future?
e. What are my rights after I have been arrested?

16mm Films "Stop-Action"

Chapter 6

The Need To Protect (available from the Center for Law and Education, State National Bank Plaza, Evanston, Illinois 60201). This 12-minute film employs the technique of "stop-action" to allow students the opportunity to analyze important concepts as they develop in a case study. The case study in this film is based on an actual stop and frisk incident which finally reached the Supreme Court in 1968 (Terry v. Ohio). The focus

of the film is on the extent to which a police officer has the right to stop and frisk a suspicious person.

Accompanying the film is a comprehensive guide for teachers which gives important legal background for the case study and which lists specific points to raise during the strategic breaks in the film. Through the discussion which this film stimulates, students can analyze the following concepts:

a. Society, through its police, has a right to protect innocent persons' civil right to security by trying to prevent crime before it occurs.

b. Citizens on the street normally have the right not to be bothered by the police. But when citizens give an officer reason to believe that criminal activity may be afoot and that they may be armed and dangerous, the officer may "frisk" their outer clothing to discover weapons.

c. Part of the general price of crime-prevention is that citizens sometimes must accept such a momentary inconvenience. We must balance the right of privacy with the need for preventive law enforcement and officer self-protection.

d. All people, including even the police, act on appearances as they see them, filtered through their own past experiences.

16mm Film
"Stop-Action"

Chapter 3

Ripped Off (available from the Center for Law and Education, State National Bank Plaza, Evanston, Illinois 60201). This 12-minute film employs the technique of "stop action" to allow students the opportunity to analyze important concepts as they develop in a case study. The case study in this film is fictitious. It involves two teenage boys whose carefully laid plans to burglarize a house end in unexpected and serious consequences. The focus of the film is on the right of innocent citizens to use force to protect themselves and their property and the right of the police to use force to protect their lives and the lives and property of citizens.

Accompanying the film is a comprehensive guide for teachers which gives important legal background for

the case study and which lists specific points to be raised during the strategic breaks in the film. Through the discussion which this film stimulates, students can analyze the following concepts:

a. When a person sets out to commit a crime, he cannot foresee how others will try to stop him; but he can expect that they will act on the appearances he has given them.

b. A simple criminal opportunity may escalate into the commission of many serious crimes.

c. The law requires only that citizens and police act reasonably on what they see.

d. Citizens and police may use proportionate force to protect themselves against imminent, unlawful attack, as long as they are reasonable in their judgment and actions; an officer may shoot someone who points a gun at him.

e. One is morally justified in using force to defend himself, including deadly force if the situation warrants it; any other moral rule would penalize the innocent and encourage evil-doing.

16mm Film "Stop-Action"

Chapter 4

The Shoplifter (available from the Center for Law and Education, State National Bank Plaza, Evanston, Illinois 60201). This 12-minute film employs the technique of stop action to allow students the opportunity to analyze important concepts as they develop in a case study. The case study in this film is fictitious. It involves a teenage girl who so desperately wants a transistor radio that she decides to steal from a department store. The focus of the film is on the personal and social costs of teenage shoplifting and on a rationale for honesty.

Accompanying the film is a comprehensive guide for teachers which gives important legal background for the case study and which lists specific points to raise during the strategic breaks in the film. Through the discussion this film stimulates, students can analyze the following concepts:

a. Shoplifting is the taking of unpurchased merchandise from a store with the intent to keep it. It is theft and in some states may even be a felony.

b. Crime costs are borne by all of us—even if we are not the immediate victim.

c. It is not a defense to an accusation of crime that the victim of theft was rich and wealthy and supposedly "would never miss it"; nor is it a defense that the perpetrator believes himself poorer than the victim. Impersonal corporations have the same right to respect for the things they own as do individuals.

d. Every society requires a measure of civic virtue, particularly honesty, of its members. Without this honesty, the lives of each of us would be harder and far less safe, for we could not trust anyone.

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*September 1973